



Fairhaven Board of Selectmen

March 20, 2017 Meeting Minutes

Present: Select Board Chairman Charles K. Murphy, Sr., Vice Chairman Robert J. Espindola, Clerk Daniel Freitas, Town Administrator Mark Rees and Administrative Assistant Anne O'Brien.

Mr. Murphy called the meeting to order in the Town Hall Banquet Room at 5:15 p.m. The meeting was audio recorded by the Selectmen's Office and video recorded by the Government Access channel.

MOMENT OF SILENCE

The Chairman opened the meeting with a moment of silence for retired police officer Macy F. Joseph. The Board offered their condolences to the Joseph family.

TOWN ADMINISTRATOR'S REPORT

Mr. Rees said that he had recently attended a Massachusetts Municipal Association conference on the recreational marijuana law, and that there is a recommended article on the Town's draft warrant, pursuant to the MMA's recommendations. This article will allow the Town to seek a moratorium on marijuana shops until it has had time to consider and address issues like zoning.

FATHER'S DAY ROAD RACE

The Board reviewed a request from Carol-Ann Days-Merrill, requesting permission to hold the annual Father's Day Road Race on June 18, 2017. The Police department has previously approved this event. Mr. Espindola motioned to approve the Father's Day Road Race for June 18. Mr. Freitas seconded. Vote was unanimous. (3-0).

ANNUAL TOWN MEETING WARRANT

Mr. Rees presented the draft warrant of the May 6, 2017 Annual Town Meeting warrant to the Board of Selectmen. See Attachment A.

After going through the articles, Mr. Espindola motioned to place the articles on the warrant, as recommended by the Town Administrator, to sign the warrants, and to instruct the Town Clerk to post the warrants in the precincts. Mr. Freitas seconded. Vote was unanimous. (3-0).

At 5:53 p.m. Mr. Espindola motioned to adjourn. Mr. Freitas seconded. Vote was unanimous. (3-0).

Respectfully,

Anne O'Brien
Administrative Assistant
Minutes approved 03/27/2017

Documents appended:

Attachment A – May 6, 2017 draft warrant

WARRANT

**For Annual Town Meeting Election, Monday, April 3, 2017
and Meeting to Act on Articles in the Warrant
Saturday, May 6, 2017 at 9:00 a.m. in the
Walter Silveira Auditorium at the
Elizabeth I. Hastings Middle School.**

COMMONWEALTH OF MASSACHUSETTS

BRISTOL: SS

To the Constable of the Town of Fairhaven in said county

GREETINGS:

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

For election, Monday April 3, 2017

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

In said precincts in said town on Monday, April 3, 2017 at ten o'clock in the forenoon then and there to bring their ballots for question to be voted by ballot, viz:

One Selectman for three years, two School Committee members for three years, one Board of Health member for three years, one Commissioner of Trust Funds for three years, two Board of Public Works members for three years, one Board of Public Works member for one year unexpired term, two Planning Board members for four years, one Housing Authority member for 5 years and Town Meeting Members in accordance with Section 2 of Chapter 285 of the Acts of 1930 and amendments thereto establishing in the Town of Fairhaven Representative Town Government by limited Town Meeting as follows:

- Precinct One: 24 for 3 years – 1 for 2 years
- Precinct Two: 24 for 3 years – 5 for 2 years
- Precinct Three: 23 for 3 years – 2 for 2 years – 2 for one year
- Precinct Four: 25 for 3 years – 8 for 2 years
- Precinct Five: 23 for 3 years – 2 for 2 years
- Precinct Six: 24 for 3 years – 10 for 2 years – 1 for 1 year

The polls shall be open from 10:00 AM to 8:00 PM. and the inhabitants qualified as Town Meeting Members shall meet on Saturday, May 6, 2017 at 9:00 AM in the Walter Silveira Auditorium of the Elizabeth Hastings Middle School to act upon the following articles:

ARTICLE 1: MEASURER OF WOOD AND BARK

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

Petitioned by: Board of Selectmen

ARTICLE 2: TOWN REPORT

To receive the Annual Report of Town Officers.

Petitioned by: Board of Selectmen

ARTICLE 3: REPORT OF COMMITTEES

To hear and act upon the reports of any committees, or committee appointed in Town Meeting and to choose any committees or committee the Town may think proper and to raise and appropriate a sum of money for the expense of same, or to take any other action with relation to either of said matters, as the Town may deem necessary and proper.

Petitioned by: Board of Selectmen

ARTICLE 4: SEWER CAPITAL FEE – FY17

To see if the Town will vote to transfer from the Sewer Fund Balance of June 30, 2016 Sewer Capital Fee in the amount of \$129,883.13 to the Sewer Retained Earnings-Reserved for Capital projects or to take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 5: SEWER CAPITAL IMPROVEMENTS STABILIZATION FUND – FY17

To see if the Town will vote to:

- A. Create a Sewer Capital Improvements Stabilization Fund for sewer capital projects
- B. Transfer from Sewer Retained Earnings-Reserved for Capital Projects the amount of \$129,883.13 which was generated from the Sewer Capital Fee from FY16 and transfer into the Sewer Capital Improvements Stabilization Fund

Or take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 6: COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS – FY17

To see if the Town will vote to appropriate and to authorize the Community Preservation Committee to expend from the Community Preservation Fund available 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:

APPROPRIATIONS	
Purpose	Recommended Amounts
Spending Appropriations –	
A. Board of Public Works - Branch Brook Land Protection Project	\$ 20,000
B. Recreation Center/Wellness Committee – Fitness Station Project	\$ 10,000
C. Fairhaven Tennis Association – Cushman Park Tennis Court Restoration	\$ 17,500
Total Recommended Appropriations	\$47,500

Petitioned by: Community Preservation Committee

ARTICLE 7: FUNDING LABOR CONTRACTS FY17

To see if the Town will vote to amend Article 5 of the May 7, 2016 Annual Town Meeting “FY17 General Fund Operating Budget”, Article 6 of the May 7, 2016 Annual Town Meeting “FY17 Sewer Enterprise Fund Operating Budget” and Article 7 of the May 7, 2016 Annual Town Meeting “FY17 Water Enterprise Fund Operating Budget” for the purpose of funding the cost in FY17, of the Collective Bargaining Agreements between the Town and the following labor groups, said agreements signed and dated prior to this Town Meeting:

- Clerical Union-AFSCME AFL-CIO, Local 851
- Police Union- New England Police Benevolent Association, Inc., Local 64
- Dispatchers- Union New England Police Benevolent Association, Inc., Local 106
- Fire Fighters -Fairhaven Firefighters Association, Local 1555, IAFF/PFFM
- Highway/Parks Union- Council 93AFSCME AFL-CIO, Local 851
- Sewer Division Union-Teamsters, Chauffeurs, Warehouseman & Helpers, Local 59
- Water Division Union- Teamsters, Chauffeurs, Warehouseman & Helpers, Local 59

Or take any other action relative thereto.

ARTICLE 8: AMENDING SALARIES OF TOWN OFFICERS-FY17

To see if the Town will vote to Amend Article 4 of the May 7, 2016 Annual Town Meeting, “Setting Salaries of Town Officers”

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

Or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 9: AMENDED FY17 GENERAL FUND OPERATING BUDGET

To see if the Town will vote to amend Article 5 of the May 7, 2016 Annual Town Meeting “FY17 General Fund Operating Budget” or take any other action relative thereto

Petitioned by: Board of Selectmen

ARTICLE 10: AMENDED FY17 SEWER ENTERPRISE FUND OPERATING BUDGET

To see if the Town will vote to amend Article 6 of the May 7, 2016 Annual Town Meeting “FY17 Sewer Enterprise Fund Operating Budget” or take any other action relative thereto

Petitioned by: Board of Public Works

ARTICLE 11: AMENDED FY17 WATER ENTERPRISE FUND OPERATING BUDGET

To see if the Town will vote to amend Article 7 of the May 7, 2016 Annual Town Meeting “FY17 Water Enterprise Fund Operating Budget” or take any other action relative thereto

Petitioned by: Board of Public Works

ARTICLE 12: AMENDED FY17 RECREATION ENTERPRISE FUND OPERATING BUDGET

To see if the Town will vote to amend Article 8 of the May 7, 2016 Annual Town Meeting “FY17 Recreation Enterprise Fund Operating Budget” or take any other action relative thereto

Petitioned by: Board of Selectmen

ARTICLE 13: AMENDED FY17 GENERAL FUND CAPITAL PLAN

To see if the Town will vote to amend Article 9 of the May 7, 2016 Annual Town Meeting “General Fund Capital Plan” by raising and appropriating, borrowing or transferring from available funds an additional \$100,000 for project F: Public Facilities Improvement Plan for revised project cost of \$145,000 or take any other action relative thereto.

ARTICLE 14: AMENDING FY17 SEWER ENTERPRISE CAPITAL PLAN

A. To see if the Town will vote to rescind Article 10 – Sewer Enterprise Capital Plan from the May 7, 2016 Annual Town Meeting as appropriated:

A. Rehab Clarifiers	\$2,600,000.00
B. Rehab PT building	\$1,290,000.00
C. Rehab Railroad and Pilgrim Pump	\$2,804,000.00
D. Inflow and Infiltration Remediation	\$800,000.00
E. Design Fee	\$491,000.00
F. Engineering Services for Construction	\$697,000.00

TOTAL \$8,682,000.00

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

A. Rehab Clarifiers	\$2,600,000.00
B. Rehab PT building	\$1,290,000.00
C. Rehab Railroad and Pilgrim Pump	\$2,804,000.00
D. Design Fee	\$491,000.00
E. Engineering Services for Construction	\$697,000.00
F. 24” Sewer Interceptor Replacement	\$3,071,000.00

TOTAL \$10,953,000.00

Petitioned by: Board of Public Works

ARTICLE 15: BILLS OF PRIOR YEAR – Paid from FY17 funds

<u>Vendor</u>	<u>Amount</u>	<u>Petitioner</u>
Southcoast Physicians Group	\$124.53	Fire Chief
Southcoast Hospitals Group	\$50.24	Fire Chief
Enos Home Oxygen	\$46.23	Fire Chief
RAD Associates of NB	\$11.03	Fire Chief
Tool Discounter	\$24.82	Police Chief
Nancy Charest	\$562.50	Fire Chief
Southcoast Physicians Group	\$532.63	Fire Chief

Petitioned by: Town Administrator

ARTICLE 16: ADOPTION OF M.G.L. CHAPTER 7, SECTION 37M

To see if the Town will vote to accept the provisions of M.G.L, Chapter 7, Section 37, “Consolidation of Administrative Functions with City or Town” which allows public school systems to consolidate administrative functions, including but not limited to financial, personnel and maintenance functions with their city or town, provided, however, that such consolidation may occur only upon a majority vote of both the school committee and the annual town meeting or take any other action relative thereto.

Petitioned by the Town Administrator

ARTICLE 17: RECREATION ENTERPRISE TO GENERAL FUND – FY18

To see if the Town of Fairhaven will vote to rescind the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws that established the Recreation Department as an enterprise fund effective fiscal year 2018.

Petitioned by the Town Administrator

ARTICLE 18: SETTING SALARIES OF TOWN OFFICERS-FY18

To see if the Town will vote to fix the compensation of the Town’s Elected Officers and that said compensation be effective July 1, 2017.

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

Or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 19: GENERAL FUND OPERATING BUDGET – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the FY18 General Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Selectmen

ARTICLE 20: WATER ENTERPRISE FUND OPERATING BUDGET – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the FY18 Water Enterprise Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Public Works

ARTICLE 21: SEWER ENTERPRISE FUND OPERATING BUDGET – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the FY18 Sewer Enterprise Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Public Works

ARTICLE 22: FY18 RECREATION ENTERPRISE FUND OPERATING BUDGET

Only necessary if Article 17 does not pass.

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the FY18 Recreation Enterprise Fund Operating Budget or take any other action relative thereto

Petitioned by: Board of Selectmen

ARTICLE 23: FEMA GRANT FOR LADDER 1 – 25% MATCH – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available a sum of money not to exceed \$231,250 for a twenty five (25%) percent match for a FEMA grant to replace Ladder 1, or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 24: GENERAL FUND CAPITAL PLAN (FY18)

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

- A. Fire, IV Pumps for Ambulance: \$21,000
- B. Fire, Ambulance Replacement: \$260,000
- C. Police, Radio Communication System: \$250,000
- D. Police, Two Patrol Vehicles: \$80,000
- E. Marine Resources, Union Wharf Public Safety Marina:
\$20,000 (combined with \$80,000 State grant)
- F. Town Hall Snow Guards \$60,000

- G. BPW-Highway: Replace Catch Basin Truck: \$165,000
(combined with \$165,000 Chapter 90 funds)
- H. School: Fairhaven H.S. Wood Window Restoration Project:
\$230,000 (Combined with \$20,000 from Trust Fund)
- I. BPW-Parks; Replace 2001 Toro Mower: \$65,000
- J. Fire, Ladder Truck \$925,000

TOTAL: \$2,076,000

Petitioned by: Board of Selectmen and Capital Planning Committee

ARTICLE 25: ROADWORK – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to cumulatively exceed \$320,000 in the aggregate without regards to individual line items to do the following roadwork, in the order of priority as determined by the Board of Public Works or take any other action relative thereto:

- A. Brown Street – Reconstruct, hard-surface and install drainage on Brown Street from Hopkins Street, west approximately 190 feet.

Petitioned by: Board of Public Works

- B. Diamond Street – Reconstruct and hard-surface and install drainage on Diamond Street from Club Street to Henry Street.

Petitioned by: Board of Public Works

- C. Hopkins Street – Reconstruct and hard-surface and install drainage on Hopkins Street from Howland Street to Brown Street.

Petitioned by: Board of Public Works

- D. Rockland Street – Reconstruct and hard-surface Rockland Street from Sconticut Neck Road to Point Street.

Petitioned by: Board of Public Works

- E. Bluepoint Street – Reconstruct and hard-surface Bluepoint Street from Fir Street to Almond Street.

Petitioned by: Robert Connaughton and others

- F. Cove Street – Reconstruct and hard-surface Cove Street from Hathaway Street to before Bonney Street.

Petitioned by: Jose Valentim and others

G. Billy's Way – Reconstruct and hard-surface Billy's Way from Sconticut Neck Road to end.

Petitioned by: Alain LaChat and others

H. Ebony Street – Reconstruct and hard-surface Ebony Street from Causeway Road to Gull Island Road.

Petitioned by: Bruce Haslehurst and others

ARTICLE 26 – STATE AID TO HIGHWAYS – FY18

- A. To see if the Town will vote to authorize the Board of Public Works to accept and enter into contract for the expenditure of any funds allotted or to be allotted by the Commonwealth of Massachusetts for the construction, reconstruction and improvements of Town roads, or take any other action relative thereto.
- B. To see if the Town will vote to appropriate and transfer from available funds a sum of money for capital improvements on local roads, subject to the conditions detailed by the Massachusetts Highway Department pursuant to the MGLS and Transportation Department's Chapter 90 Guidelines, or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 27: FUNDING CAPITAL STABILIZATION FUND – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, including surplus revenue (Free Cash) and reimbursement from the state for school capital projects, to be deposited in the Capital Stabilization Fund as authorized by Chapter 40, Section 5B of the General Laws, or take any other action relative thereto

Petitioned by: Town Administrator

ARTICLE 28: AMBULANCE STABILIZATION – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to cumulatively exceed \$50,000 to be deposited in an Ambulance Stabilization Fund as authorized by Chapter 40 Section 5B of the General Laws, or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 29: WATER ENTERPRISE CAPITAL PLAN – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money in aggregate without regards to individual line items from the Water Enterprise

account to fund the following Capital Equipment/Projects or take any other action relative thereto:

- A. Replacing Roofs at Pump Stations: \$150,000
 - B. Replacement of Tinkham Lane Well: \$550,000
- TOTAL: \$700,000**

Petitioned by: Board of Public Works

ARTICLE 30: SEWER ENTERPRISE CAPITAL PLAN – FY18

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

- A. Sewer Department truck: \$73,000
- B. National Pollutant Discharge Elimination System (NPDES) permit review assistance: \$50,000

TOTAL: \$123,000

Petitioned by: Board of Public Works

ARTICLE 31: COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS – FY18

To see if the Town will 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 FY18 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:

PROPOSED FISCAL YEAR 2018 COMMUNITY PRESERVATION BUDGET	
APPROPRIATIONS	
Purpose	Recommended Amounts
Spending Appropriations –	
A. Buzzards Bay Coalition: Indian Rock Farms Land Protection Project.	\$150,000

B. Fairhaven Housing Authority – Oxford Terrace Handicap Door Replacement Project	\$ 45,000
C. Stratford Capital Group – Oxford School Residences	\$ 50,000
D. Library Exterior Restoration Project Ph. 4	\$160,000
E. Board of Selectmen – Town Hall Restoration Study	\$ 12,000
F. Historical Commission – Academy Building – Doorway Restoration & Handicap Access Project.	\$119,000
Administrative Spending Appropriation	
G. To fund the Community Preservation Committee’s annual expenses as follows: Personal Service –\$6,700; Purchase of Services – \$3,400; Supplies – \$500; Other charges/expenders – \$2,000.	\$ 12,600
Total Recommended Appropriations	\$303,600

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the existing reserves and recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund Estimated Receipts.

And, whereas Town Meeting may vote to delete any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted, vote to appropriate as a reserve for future spending from the FY 2018 Community Preservation Fund Estimated Receipts the minimum necessary amounts to allocate not less than 10% (\$45,000) for open space, not less than 10% (\$45,000) for historic preservation, and not less than 10% (\$45,000) for community housing, or take any other action relative thereto.

Petitioned by: Community Preservation Committee

ARTICLE 32: REVOLVING FUNDS – FY18

To see if the Town will authorize and / or re-authorize the following Revolving Accounts under the provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

Revolving Fund	Authorized to Spend	Use of Funds	Revenue Source	FY18 Limit
Hazardous Materials	Fire Chief	To fund Hazardous Materials Clean Up Account – including but not limited to the purchase of equipment and supplies and the hiring of full-time and/or part-time personnel	Disposal fees/charges	\$ 100,000
Sustainability	Sustainability/ Green Committee	To fund the expenses of the Sustainability Committee	Fees/charges	\$ 10,000
Hoppy's Landing	Board of Selectmen	To fund improvements, maintenance and repairs of Hoppy's Landing facility	Fees/charges from users of Hoppy's Landing	\$ 25,000
Town Hall Auditorium	Town Administrator	To fund improvements, maintenance and repairs of the Town Hall auditorium	Town Hall auditorium rental fees	\$ 2,000
Park Utilities	Board of Public Works	For park lighting during sporting events	User fees	\$ 2,000
Wellness (new)	Wellness Committee	For programming and initiatives of the Wellness Committee	Fees, BCBS reimbursements, vendors	\$ 2,500

Or take any other action relative thereto:

Petitioned by: Board of Selectmen

ARTICLE 33: BY-LAW: USE OF REVOLVING ACCOUNTS

To see if the Town will adopt the following bylaw entitled “Use of Revolving Accounts”

1. Purpose. This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of

programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E ½.

2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:
 - a. Fringe benefits of full-time employees whose salaries or wagers are paid from the fund shall also be paid from the fund, [except for those employed as school bus drivers].
 - b. No liability shall be incurred in excess of the available balance of the fund.
 - c. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the select board and finance committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E ½, and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds.

5.1 Hazardous Materials Revolving Fund

5.1.1 Hazardous Material Revolving Fund. There shall be a separate fund called the Hazardous Materials Revolving Fund authorized for use by the Fire Department.

5.1.2 Revenues. The town accountant shall establish the Hazardous Material Revolving Fund as a separate account and credit to the fund all of the disposal fees charged and received by the Fire department in connection with Hazardous materials incidents.

5.1.3 Purposes and Expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the Hazardous Revolving Fund for the purchase of equipment and supplies and the hiring of full-time and/or part-time personnel in connection with Hazardous Materials.

5.1.4 Fiscal Years. The Hazardous Materials Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

5.2 Sustainability Revolving Fund

5.2.1 Sustainability Revolving Fund. There shall be a separate fund called the Sustainability Revolving Fund authorized for use by the Green Fairhaven Committee.

5.2.2 Revenues. The town accountant shall establish the Sustainability Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Green Fairhaven Committee in connection with their activities, including the Community Gardens and Farmers' Market.

5.2.3 Purposes and Expenditures. During each fiscal year, the Green Fairhaven Committee may incur liabilities against and spend monies from the Sustainability

Revolving Fund for the purchase of equipment, services and supplies in connection with Green Fairhaven activities and initiatives.

5.2.4 Fiscal Years. The Sustainability Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

5.3 **Hoppy's Landing Revolving Fund**

5.3.1 Hoppy's Landing Revolving Fund. There shall be a separate fund called the Hoppy's Landing Revolving Fund authorized for use by the Marine Resources department.

5.3.2 Revenues. The town accountant shall establish the Hoppy's Landing Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Marine Resources department in connection with Hoppy's Landing usage.

5.3.3 Purposes and Expenditures. During each fiscal year, the Marine Resources department may incur liabilities against and spend monies from the Hoppy's Landing Revolving Fund for the purchase of equipment, personnel, services and supplies in connection with Hoppy's Landing.

5.3.4 Fiscal Years. The Hoppy's Landing Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

5.4 **Town Hall Auditorium Revolving Fund**

5.4.1 Town Hall Auditorium Revolving Fund. There shall be a separate fund called the Town Hall Auditorium Revolving Fund authorized for use by the Town Administrator.

5.4.2 Revenues. The town accountant shall establish the Town Hall Auditorium Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Selectmen's Office in connection with Town Hall auditorium rentals.

5.4.3 Purposes and Expenditures. During each fiscal year, the Town Administrator may incur liabilities against and spend monies from the Town Hall Auditorium Revolving Fund to fund improvements, maintenance and repairs of the Town Hall auditorium.

5.4.4 Fiscal Years. The Town Hall Auditorium Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

5.5 **Park Utilities Revolving Fund**

5.5.1 Park Utilities Revolving Fund. There shall be a separate fund called the Park Utilities Revolving Fund authorized for use by the Board of Public Works.

5.5.2 Revenues. The town accountant shall establish the Park Utilities Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Board of Public Works in connection with Park usage.

5.5.3 Purposes and Expenditures. During each fiscal year, the Board of Public Works may incur liabilities against and spend monies from the Park Utilities Revolving Fund to fund park lighting during some park/sporting events.

5.5.4 Fiscal Years. The Park Utilities Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

5.6 **Wellness Committee Revolving Fund**

5.6.1 Wellness Committee Revolving Fund. There shall be a separate fund called the Wellness Committee Revolving Fund authorized for use by the Wellness Committee and the Town Administrator.

5.6.2 Revenues. The town accountant shall establish the Wellness Committee Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Wellness Committee.

5.6.3 Purposes and Expenditures. During each fiscal year, the Wellness Committee and/or the Town Administrator may incur liabilities against and spend monies from the Wellness Committee Revolving Fund to fund Wellness initiatives.

5.6.4 Fiscal Years. The Wellness Committee Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

ARTICLE 34: SOCIAL DAY CARE CENTER – FY18

To see if the Town will vote to authorize the Fairhaven Council on Aging to expend in the Fiscal Year 2018 a sum of money not to cumulatively exceed \$160,000.00 from the Grant Account known as “Receipts Reserved for Appropriation for Social Day Program” for the purpose of providing a Social Day Program for Senior Citizens or take any other action relative thereto.

Petitioned by: Council on Aging

ARTICLE 35: PROPAGATION OF SHELLFISH-FY18

To see if the Town will vote to raise and appropriate, borrow or transfer \$17,500.00 from available funds for the propagation of shellfish, or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 36: MAINTENANCE TO ROGERS AND OXFORD SCHOOL BUILDINGS – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to cumulatively exceed \$8,000 to maintain the vacant Rogers and Oxford Schools during FY18, including repairs, electricity, telephone, security, alarms, and any other associated costs or take any other action relative thereto.

ARTICLE 37: CULTURAL COUNCIL FUNDING – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer \$2,500.00 from available funds for the Fairhaven Cultural Council, or to take any other action thereto.

Petitioned by: Fairhaven Cultural Council

ARTICLE 38: HARBOR MASTER PLAN, MATCHING FUNDS – FY18

To see if the Town of Fairhaven will vote to raise and appropriate, borrow or transfer from available funds a sum of money to cover the Town’s share (30%) of the 20% grant match requirement for the Harbor Master Plan and any other related expenses; provided however that no portion of said appropriation shall be expended unless the Town and New Bedford Harbor Development Commission are eligible for a grant up to \$200,000 from the Commonwealth of Massachusetts, Seaport Economic Council; or to take any other thereon.

Petitioned by: Planning and Economic Development Department

ARTICLE 39: WIND TURBINE ELECTRICITY PURCHASE – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase electricity generated by Fairhaven Wind. Revenue generated from Eversource for the wind turbines power purchase will be deposited into the Town Treasury and will offset expenditures made under this appropriation, or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 40: ADOPTION OF M.G.L., CHAPTER 40, SECTION 13E

To see if the Town will vote to accept the provisions of M.G.L, Chapter 40, Section 13E “School District reserve fund to pay for unanticipated or unbudgeted costs of special education, out of district tuition or transportation” that allows a municipality to “establish and appropriate or transfer money to a School District reserve fund to be utilized in the upcoming fiscal years, to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation” and furthermore “the balance of such reserve fund shall not exceed 2 percent of the annual net school spending of the district” and that “funds shall only be distributed from the reserve funds after a majority vote of the school committee and a majority vote of the board of selectmen, or take any other action relative thereto.

Petitioned by the School Committee

ARTICLE 41: FUND RESERVE FOR SPECIAL EDUCATION – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to cumulatively exceed \$386,453 to be deposited in a Special Education Reserve Fund as authorized by Chapter 40 Section 13E of the General Laws, or take any other action relative thereto.

Petitioned by the School Committee

ARTICLE 42: FAIRHAVEN-ACUSHNET SCHOOL REGIONALIZATION STUDY COMMITTEE

To see if the Town will vote to establish a special unpaid committee to be known as the regional school district planning committee, representing key stakeholders from both the Town of Fairhaven and the Town of Acushnet with three such members from Fairhaven, including one member of the school committee from the Town of Fairhaven, to be appointed in accordance with the provisions of Section 14 of Chapter 71 of the General Laws, as amended, or to take any other action relative thereto.

Petitioned by: School Committee

ARTICLE 43: FAIRHAVEN-ACUSHNET SCHOOL REGIONALIZATION STUDY APPROPRIATION – FY18

To see if the Town will vote to appropriate a sum of money not to exceed \$20,000.00 for the purpose of conducting a comprehensive study regarding an enhanced relationship between the Fairhaven Public Schools and the Acushnet Public Schools, or to take any other action relative thereto.

Petitioned by: School Committee

ARTICLE 44: STREET LIGHTS – FY18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money not to exceed \$800.00 per light for the installation and maintenance of the following street light or to take any other action relative thereto:

- A. One light at the corner of Point Street and Orchard Street, pole # 211&1/2

Petitioned by: Alfred Clark and others

ARTICLE 45: RETIREMENT COLA BASE INCREASE IN FY18

To see if the Town will vote to accept the Fairhaven Retirement Board vote to increase the COLA base for retirees beginning July 1, 2017 from \$13,000.00 to \$14,000.00. This request is consistent with the provision of Chapter 188, Section 19, of the Acts of 2010 or take any other action relative thereto.

Petitioned by: Retirement Board

ARTICLE 46: DEMOLITION OF ABANDONED PROPERTIES

To see if the Town will vote to authorize the Board of Selectmen to petition the court for the following special legislation:

An Act establishing a special fund for recaptured funds from demolition liens or related grants in the town of Fairhaven.

1. Notwithstanding the provisions of Section 53 of Chapter 44 of the General Laws or any other general or special law to the contrary, the town of Fairhaven is authorized to create a special fund for the deposit of any proceeds to the town of Fairhaven from funds paid, recovered by actions in contract, recaptured through liens, or by government or private grants or local appropriations, for the repair, demolition, or making safe of structures or premises which are dangerous, abandoned, unsafe, or uninhabitable, or which constitute a nuisance or a fire hazard. Interest earned on this fund shall be treated as general fund revenue of the town. Any balance remaining in the fund at the end of a fiscal year shall carry over to the next fiscal year and subsequent fiscal years thereafter if not expended for the purposes and in the manner set out herein, and if not otherwise appropriated for other purposes by vote of the town meeting.

Proceeds from the special fund shall be used without further appropriation at the determination of the Town Administrator, in consultation as he deems appropriate with the Board of Selectmen, the Building Commissioner, the Board of Health, and the Fire Chief, acting pursuant to their statutory and regulatory authority, to secure, clear, make safe, repair or demolish, such structures and premises.

Expenditures from the fund shall not be made, nor liabilities incurred, in excess of the balance of the fund.

SECTION 2. This act shall take effect upon its passage.

ARTICLE 47: SENIOR WORK-OFF CHANGES

To see if the Town will vote to continue the provisions of MGL, Chapter 59, Section 5C-Senior Work for a total authorization of \$10,000 or take any other relative thereto

Petitioned by: Council on Aging

ARTICLE 48: TRANSFER FROM SURPLUS REVENUE

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

ARTICLE 49: AMENDMENT TO TOWN BY-LAW CHAPTER 61 – PERSONNEL

To see if the Town will vote to amend the Town Code by striking therefrom Chapter 61 as it now appears and substituting the following in its place:

Chapter 61 PERSONNEL

§ 61-1. Purpose and authorization.

The purpose of this chapter is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensures a uniform, fair and efficient application of personnel policies. This chapter is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth, MGL c. 41, §§ 108A and 108C, and C. 381 of the Acts of 2014, An Act Establishing the Position of Town Administrator in the Town Of Fairhaven.

§ 61-2. Applicability.

All departments and positions shall be subject to the provisions of this chapter, except elected officers, employees of the School Department, and any other employee who is excluded by law. Notwithstanding anything contained herein to the contrary, the Town Administrator shall not be subject to the provisions of this chapter. Any department head may be exempted from the provisions of this chapter upon recommendation by the Town Administrator, and vote of the Board of Selectmen. Any such exemption shall take effect upon the adoption of an employment contract between the town and the department head. If there is a conflict between this by-law or

any plans, policies, rules or regulations promulgated pursuant to this by-law and an approved Collective Bargaining Agreement, the provisions of the Collective Bargaining Agreement shall prevail.

§ 61-3. Human Resources Director.

With the approval of the Board of Selectmen, The Town Administrator shall appoint a Human Resources Director who by experience and education is qualified to administer this bylaw and any plans, policies, rules or regulations promulgated pursuant to this by-law.

§ 61-4. Personnel system.

A personnel system shall be established by the promulgation of policies pursuant to § 61-5. The personnel system shall make use of modern concepts of personnel management and shall include but not be limited to the following elements:

- A. Method of administration. A system of administration will be incorporated which assigns specific responsibilities for all elements of the personnel system, including maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews and evaluation of the personnel system.
- B. Classification plan. A position classification plan for all employees subject to this chapter shall be established, based on similarity of duties performed and the responsibilities assumed, so that the same qualifications may be reasonably required for and the same schedule of pay may be equitably applied to all positions in the same class. No employee may be appointed to a position not included in the classification plan.
- C. Compensation plan. A compensation plan for all positions subject to this chapter shall consist of a schedule of pay grades, which may include minimum, maximum and intermediate rates for each grade; an official list indicating the assignment of each position to specific pay grades; and vacations, holidays, sick leave, other leave and all other benefits, provided that the payment of such wages and benefits may not exceed the amount appropriated, or otherwise made lawfully available, therefor.
- D. Recruitment and selection policy. A recruitment, employment, promotion and transfer policy shall be established to ensure that reasonable effort is made to attract qualified persons and that selection criteria are job related.
- E. Personnel records. A centralized personnel recordkeeping system shall be established to maintain essential personnel records.
- F. Equal opportunity. The town shall provide equal opportunity in employment without discrimination based upon race, color, religion, national origin, sex or age, or as otherwise prohibited by law.

§ 61-5. Adoption and amendment of policies and plans.

The Town Administrator, with approval of the Selectmen, shall promulgate personnel policies and plans defining the rights, benefits and obligations of employees subject to this chapter. Policies and plans shall be adopted or amended as follows:

A. Preparation of policies and classification and compensation plans.

The Town Administrator shall prepare or amend policies and plans with the approval of the Selectmen. Any member of the Board of Selectmen, any administrative authority, or any three persons may suggest amendments for consideration by the Town Administrator. The Town Administrator need not consider any proposal already considered in the preceding six months. All new proposals or amendments shall be submitted to the Town Administrator in writing. The Town Administrator shall hold a public hearing on any proposed policies or amendments. Any proposed policy or plan or amendment thereto shall be posted at least five days prior to the public hearing in prominent work locations. Copies of proposals shall be provided to representatives of each employee collective bargaining unit and a copy shall be filed with the Selectmen.

B. Public hearing.

The Town Administrator shall present the proposed policies or amendments, the purpose of the proposal and the implications of any proposed change at the public hearing. Any person may attend the hearing, speak and present information. Within 20 days after the public hearing, the Town Administrator shall make a determination on the proposed policies and shall, recommend that the Selectmen adopt the policies or amendments, with or without modifications, reject the policies or amendments or indicate that further study is necessary.

C. Recommended policies.

The Town Administrator shall transmit recommendations in writing to the Selectmen within 20 days after determination on the proposed recommendations or amendments. The recommendations of the Town Administrator shall contain the text of the policy and any explanation that is deemed necessary. The Selectmen may adopt, reject or return the recommendations for further study to the Town Administrator. The Selectmen need only act on proposed policies which the Town Administrator has recommended for adoption. Policies shall become effective upon their filing with the Town Clerk following approval by the Selectmen, unless some later date is specified.

§ 61-6. Severability.

The provisions of this chapter and any policies adopted pursuant to this chapter are severable. If any bylaw or policy provision is held invalid, the remaining provisions of the bylaw or policy shall not be affected.

§ 61-7. Effective date.

This chapter is amended to eliminate the personnel board and to designate the town administrator as the sole authority over the administration of personnel policies, effective as voted at the May 6, 2017 Annual Town Meeting. Notwithstanding the elimination of the personnel board, all actions taken prior to the appointment of the town administrator by the personnel board within its authority, or by any other town official or board, with respect to personnel, including the

appointment of all officers and employees, shall continue in full force and effect subject to future action by the town administrator within the town administrator's authority.

Petitioned by: Town Administrator

ARTICLE 50: REVOCATION OF CIVIL SERVICE FOR SCHOOL DEPARTMENT CUSTODIAN UNION

To see if the Town, acting pursuant to General Laws, Chapter 4, Section 4B, will vote to revoke its acceptance of Chapter 28 of the Acts of 1954 under which by vote of Town Meeting on March 13, 1954 the Town confirmed its acceptance of the provisions of former General Laws Chapter 31, Section 47, the Civil Service Law, as such acceptance applies to all positions represented by the Custodial and Maintenance Union and appointed by the School Department, or take any other action relative thereto. This revocation applies to the successors to the employees who are incumbent in those positions on the date of revocation.

Petitioned by: School Committee

ARTICLE 51: TEMPORARY MORATORIUM ON SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA

To see if the Town will vote to amend the Town's Zoning Bylaws by adding the following new section:

“TEMPORARY MORATORIA”. and the ensuing parts as proposed herein.

A Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

(1) Purpose: By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016 and the Cannabis Advisory Board is required to issue regulations regarding implementation by September 15, 2017.

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not permitted uses in the Town. Regulations promulgated by the State Cannabis Advisory Board are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers. Further, the ballot measure establishes two important provisions that require action by the Town prior to the adoption of zoning. First, the Town must determine whether, and to what extent, it will exercise local control over Recreational Marijuana Establishments and Marijuana Retailers and second, by ballot that cannot occur prior to November 6, 2018, the next biennial state election, on whether to allow on-site consumption of marijuana products should the Town decide to allow licenses for such facilities.

The regulation of Recreation Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding the regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

(2) Definitions

“Manufacture”, to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

“Marijuana accessories”, equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

“Marijuana cultivator”, an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

“Marijuana establishment”, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

“Marijuana product manufacturer”, an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishment, but not to consumers.

“Marijuana products”, products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and projects composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

“Marijuana testing facility”, an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

“Marijuana retailer”, an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

(3) Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers. The moratorium shall be in effect through no later than the adjournment of the 2019 Annual Town Meeting. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreation marijuana in the Town, consider the Cannabis Advisory Board regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether, and to what extent, the Town shall exercise local control over Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

(4) Severability. The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

And by amending Section 198-16 of the Town’s Zoning By-Law by adding the following entry under the heading COMMERCIAL USES

Recreational Marijuana N N N N N N N N N
Establishments and
Marijuana Retailers (22)

(22) Subject to moratorium. See Section 198-32.3

Or take any other action relative thereto.

Petitioned by: The Board of Selectmen

**ARTICLE 52: CONVEYANCE OF A PORTION OF PARK LAND AND
CORRESPONDING DEDICATION OF OTHER LAND TO PARK USE**

To see if the Town will vote:

A.) to authorize the Board of Selectmen to petition the General Court for special legislation which would authorize the Town to convey a parking, access and utility easement or any lesser interest in that portion of Livesey Park described as follows:

The parking, access and utility easement in Fairhaven, Bristol County, Massachusetts, shown as "Oxford Residences Easement Plan" on a plan of land dated March 10, 2017, prepared for Stratford Capital Group by CHA, Engineers, Norwell MA;

and which parcel is further bounded and described as follows:

Commencing at a point on the easterly sideline of Livesey Parkway, and the southerly sideline of Morton Street, thence turning and running; S12°56'05"E, ten and no hundredths (10.00) feet along the sideline of said Livesey Parkway, to the Point of Beginning; thence turning and running

N76°16'33"E, sixty nine and seventy hundredths (69.70) feet to a point, thence turning and running:

N12°03'14"W, fourteen and twenty nine hundredths (14.29) feet to a point, thence turning and running:

N64°31'53"E, twenty six and forty one hundredths (26.41) feet to a point, thence turning and running:

S14°36'26"E, two hundred eighty four and four hundredths (284.04) feet to a point, thence turning and running:

S76°07'22"W, one hundred four and no hundredths (104.00) feet to a point on the easterly sideline of Livesey Street, thence turning and running along the sideline of said Livesey Street:

N12°56'05"W, two hundred sixty four and sixty five hundredths (264.65) feet the Point of Beginning.

The above described parcel contains an area of twenty six thousand nine hundred thirty (26,930) square feet or 0.618 +/- acres.

That the parking, access and utility easement is to be conveyed to; Stratford Capital Group

And

B.) To dedicate to park use two assessor parcels of land owned by the Town and described as follows:

Certain parcel(s) of land in Fairhaven, Bristol County, Massachusetts, shown as Assessors Map 43A, Lot 1 and 1A and shown on Land Court Plan 7432C-1 as Lot 1 filed with certificate 5873. For title see Treasures Deed 89003 noted on certificate #15101 as recorded at Bristol County Registry of Deeds: containing a total of approximately 3.15 acres more or less.

Said dedication shall be effective only upon the occurrence of both (a.) the enactment of the special legislation authorizing the conveyance contemplated in Part A., above, and (b.) the

recording of a notice of said dedication to be recorded simultaneously with the recording of the conveyance contemplated in Part A., above.

or to take any other action thereon.

Petitioned by: Board of Selectmen

ARTICLE 53: AMENDMENT TO ZONING MAP – CITIZEN PETITION

To see if Town Meeting will vote to amend the Zoning Map as follows:

Rezone the following described lot from Industrial (I) to General Residence District (RB): Assessor’s Map 19, Lot 19 and as described in the Bristol County Registry of Deeds Book 10950, Page 167, or to take any other action relative thereto.

Petitioned by: Daniel E. & Pamela J. Corcoran and others

ARTICLE 54: SUPPORT FOR PROPOSED AMENDMENT TO UNITED STATES CONSTITUTION – CITIZEN PETITION

To see if the Town will vote:

1. To support HD 1988, an Act for a U.S. Constitutional Amendment and Amendments Convention, submitted to the Massachusetts General Court calling on Congress to propose an Amendment to the Constitution that would affirm that:
 - a. The rights protected by the Constitution of the United States are rights of natural persons, i.e. human individuals, only, and
 - b. Congress and the states shall place limits on political contributions and expenditures to ensure that all citizens have access to the political process, and the spending of money to influence elections is not protected free speech under the First Amendment;

The act also provides further that if Congress does not propose this constitutional amendment within six (6) months passage of this bill, then this bill constitutes a Petition by the Commonwealth of Massachusetts, speaking through its legislature and pursuant to Article V of the U.S. Constitution, to the Congress to call a Convention for the purpose of proposing Amendments to the Constitution as soon as two-thirds of the several States have applied for a Convention.

2. To ask that our Board of Selectmen transmit copies of this Warrant Article and HD 1988 to our State and Federal elected officials, or take any other actions relative thereto.

Petitioned by: Ken Pottel and others

ARTICLE 55: PILOT AGREEMENT WITH CEC SOLAR #1114, LCC – FY18

To see if the Town will vote to pursuant to MGL Chapter 59, Section 38H(b) to authorize the Selectmen and the Board of Assessors to negotiate and enter into on such terms and conditions as the Board of Selectmen and the Board of Assessors deems in the best interests of the Town, a so-called Payment in Lieu of Taxes (PILOT) Agreement with CEC Solar #1114,LCC or its

affiliates, with respect to payments for a sum certain in lieu of real and/or personal property taxes owed to the Town over a period up to twenty (20) years relative to a proposed solar electric generating facility located at 197 New Boston Road, Fairhaven, MA with an option for extension coterminous with lease of said parcel; CEC Solar #1114, LLC shall be exempt from property taxes, in whole or in part, as provided in that agreement during the term thereof; any such agreement shall be the result of good faith negotiations and shall be the equivalent of the property tax obligations based on full and fair cash valuation and to authorize the Board of Selectmen and the Board of Assessors to take such actions and execute any necessary documents relating thereto; or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 56: NARRAGANSETT BLVD LAND TRANSFER

To see if the Town will vote to accept a deed, for a transfer of a certain parcel land of approximately 2,804 square feet, adjacent to the westerly sideline of Narragansett Boulevard and the northerly sideline of Huttleston Avenue, being identified as Parcel A on that certain Approval Not Required Plan of Land in Fairhaven, MA prepared for Garfield Fairhaven, LLC by SITEC, Inc. and dated August 25, 2001 and recorded with the Bristol Registry of Deeds on September 25, 2001 in Plan Book 148, Page 34, subject to there being clear title thereto and all real estate taxes thereon having been paid, or to take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 57: ACQUISITION OF EASEMENT – 33 WILLIAM STREET

To see if the Town will vote to authorize the Board of Selectmen of the Town of Fairhaven to accept as a gift or in any other manner acquire an easement in and under that certain parcel of property owned by Carolyn Nunez and Don C. Collasius for the municipal purpose of the construction of a Utility Shed for Town Hall, said easement area being described as:

Beginning at the Southeasterly corner of said Lot 94 and the Northerly property line of the Fairhaven Town Hall in Fairhaven;

Thence, N 82° 15' 00" W a distance of 6.00' along the line of the Northerly property line of the Fairhaven Town Hall; to the point of beginning of the said easement;

Thence, N 82° 15' 00" W a distance of 14.00';

Thence, N 07° 45' 00" E a distance of 5.00';

Thence, S 82° 15' 00" E a distance of 14.00';

Thence, S 07° 45' 00" W a distance of 6.00' to the point of beginning;

CONTAINING 70 square feet, more or less and being shown on a Plan entitled “Easement Plan – 33 William Street in Fairhaven, Massachusetts”, prepared by Romanelli Associates, Inc., New Bedford, Massachusetts dated February 22, 2017;

or to take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 58: OTHER BUSINESS

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

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

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

Given under our hands this 20th day of March in the year two thousand seventeen.

Selectmen of Fairhaven,

Charles K. Murphy, Sr.

Robert Espindola

Daniel Freitas

A true copy, ATTEST:

Constable of Fairhaven