ANNUAL TOWN MEETING - SATURDAY, MAY 7, 2016
WALTER SILVEIRA AUDITORIUM - ELIZ. HASTINGS MIDDLE SCHOOL
TOWN MEETING MEMBERS PRESENT 228 - QUORUM REQUIRED 100

Meeting called to order by Moderator at 9:00 A.M.
The National Anthem was played
Invocation by Rev. Bette McClure of First Congregational Church
A moment of silence was held for the deceased.
The Moderator introduced those seated on stage.
The Moderator stated that the warrant had been properly served and that there was a quorum.
Instructions were given to the Town Meeting Members.
Voted that the reading of the warrant and the return of service be omitted. Seconded.
Voted that the Moderator be allowed to refer to the articles by number and title only. Seconded
Voted that all the appropriations voted at this town meeting be placed on the tax levy for the fiscal year from July 1, 2016 through June 30, 2017 unless otherwise specified. Seconded.
At 9:15 it was voted to recess the Annual Town Meeting to take up the Special Town Meeting called for May 7, 2016 in this auditorium. Seconded.
The Annual Town Meeting reconvened at 9:55 AM.

Town Meeting Members Present:

Precinct 1 – 50	
Precinct 2 – 32	
Precinct 3 – 26	
Precinct 4 – 42	
Precinct 5 – 42	
Precinct 6 – 36	
TOTAL	**228**

ARTICLE 1 - MEASURER OF WOOD AND BARK
Voted unanimously to instruct the Selectmen to appoint a Measurer of Wood and Bark.

ARTICLE 2 - TOWN REPORT
Voted unanimously to receive the Annual Report of Town Officers.

ARTICLE 3 - REPORT OF COMMITTEES
Moved to Pass Over.

ARTICLE 4 - SETTING SALARIES OF TOWN OFFICERS
Voted unanimously to fix the compensation of the Town's elected officers and that said compensation be effective July 1, 2016:

A. Board of Selectmen (3 member	$	15,600.00
B. Town Clerk	$	52,981.00
C. Moderator	$	800.00
D. Tree Warden	$	6,631.00
E. Board of Health (3 members)	$	4,000.00

ARTICLE 5 - FY17 GENERAL FUND OPERATING BUDGET
Voted the following sums of money to fund the FY17 General Fund Operating Budget:

GENERAL GOVERNMENT		
Moderator		
Salaries & Wages	$	800.00
Selectmen/Town Administrator		
Salaries & Wages	$	322,072.00
Operating Expenses	$	37,701.00
Town Accountant		
Salary & Wages	$	103,101.00
Operating Expenses	$	43,631.00
Information Technology		
Salaries & Wages	$	42,500.00
Operating Expenses	$	155,200.00

Tax Title	$	40,000.00	
Town Clerk/Elections			
Salaries & Wages	$	113,260.00	
Operating Expenses	$	32,394.00	
Assessors			
Salaries & Wages	$	145,508.00	
Operating Expenses	$	31,493.00	
Town Hall			
Salaries & Wages	$	45,191.00	
Operating Expenses	$	64,467.00	
Town Meeting/Finance Comm			
Salaries & Wages	$	1,067.00	
Oprating Expenses	$	7,715.00	
Planning Board			
Salaries & Wages	$	1,900.00	
Operating Expenses	$	3,905.00	
Planning & Economic Develop			
Salaries & Wages	$	101,671.00	
Operating Expenses	$	15,325.00	
Economic Development Comm	$	5,000.00	
Board of Appeals			
Salaries & Wages	$	1,560.00	
Operating Expenses	$	3,600.00	
Legal Expenses	$	170,000.00	
Conservation Commission			
Salaries & Wages	$	12,027.00	
Operating Expenses	$	6,120.00	of which $4,000 is from Conservation Commission Wetlands Acct Receipts Res for Appropriation and $2,120 to be raised on the Tax Levy.
Buzzards's Bay Action Comm	$	1,140.00	
Police Department			
Salaries & Wages	$	2,933,874.00	
Operating Expenses	$	276,266.00	
Fire Department			
Salaries & Wages	$	1,941,863.00	
Operating Expenses	$	203,792.00	
Building Department			
Salaries & Wages	$	137,361.00	
Operating Expenses	$	6,349.00	
Harbor Master/Shellfish Inspect			
Salaries & Wages	$	85,335.00	of which $54,125 is from the Waterways Fund and $31,210 to be raised on the Tax Levy.
Operating Expenses	$	24,865.00	
Animal Control			
Salaries & Wages	$	49,347.00	
Operating Expenses	$	38,130.00	by transferring $6,000 from the Animal Shelter Gift Account and $32,130 to be raised on the Tax Levy.

Emergency Management Agency			
Salaries & Wages	$	1,683.00	
Operating Expenses	$	7,175.00	
Sealers of Weights & Measures			
Salaries & Wages	$	6,468.00	
Operating Expenses	$	998.00	
Street Lighting	$	51,000.00	
Fairhaven Public Schools	$	19,385,788.00	
GNBRVT High School	$	2,141,171.00	
Bristol County Aggie High School	$	30,000.00	
Public Works Administration			
Salaries & Wages	$	168,540.00	
Operating Expenses	$	21,066.00	
Highway Division			
Salaries & Wages	$	931,704.00	
Operating Expenses	$	1,149,596.00	by transferring $9,847 from Sub-Division Mgt Fees and $1,139,749 to be raised on the Tax Levy.
Snow & Ice Removal (previously Sand & Salt)	$	50,000.00	
Tree Warden Department			
Salaries & Wages	$	38,180.00	
Operating Expenses	$	16,635.00	
Board of Health			
Salaries & Wages	$	121,714.00	
Operating Expenses	$	574,757.00	
Council on Aging			
Salaries & Wages	$	139,093.00	of which $36,000 is from Social Day Care Center Receipts Reserved for Appropriation and $103,093 to be raised on the Tax Levy.
Veterans Services			
Salaries & Wages	$	44,805.00	
Operating Expenses	$	892,100.00	
Commission on Disability	$	1,300.00	
Rape Crisis Project	$	2,000.00	
Millicent Library	$	635,351.00	
Recreation Enterprise Fund G.F. Contribution	$	67,200.00	
Park Division			
Salaries & Wages	$	96,610.00	
Operating Expenses	$	23,419.00	
Office of Tourism			
Salary & Wages	$	53,451.00	
Operating Expenses	$	23,800.00	
Fine Arts	$	1,200.00	
Historical Commission	$	10,000.00	

Memorial Day	$ 2,550.00	
Non-Departmental Contributory Retirement	$ 2,799,586.00	
Group Insurance	$ 3,771,000.00	
MA Employment Security	$ 120,000.00	
Town Insurance	$ 672,785.00	
Medicare	$ 331,000.00	
Stabilization Fund	$ -	
Reserve Fund	$ 100,000.00	
O(ther) P(ost) E(mployment) B(enefits)	$ 100,000.00	
Wage & Salary Reserve	$ 300,000.00	
Debt Service		
Debt	$ 2,503,294.00	of which $80,000 is transferred from Overlay Surplus and $20,700 is transferred from Title 5 Receipts Reserved for Appropriation and $2,402,594 to be raised on the Tax Levy.
Interest of Debt	$ 367,193.00	
Interest on Temp Loans	$ 60,000.00	

That $394,443,00 of Water Enterprise costs appropriated in the General Fund for health insurance, pensions, other employee benefits, and shared employees will be fnded and transferred from Water Revenue.

And that $546,724.00 of Sewer Enterprise costs appropriated in the General Fund for health insurance, pensions, other employee benefits, and shared employees will be funded and transferred from Sewer Revenue

And that $956,359.00 of Ambulance Costs appropriated in the General Fund for Police and Fire salary, operating budget, health insurance, pensions, other employee benefits will be funded from Ambulance Fund Receipts reserved for appropriation.

ARTICLE 6 - FY17 SEWER ENTERPRISE FUND OPERATING BUDGET

Voted the following sums of money to fund the FY17 Sewer Enterprise Fund Operating Budget:

Sewer Salary & Wages	$ 927,654.00
Sewer Expenses	$ 1,180,630.00
Sewer Indirect Costs	$ 546,724.00
Sewer Reserve Fund	$ 50,000.00
Sewer Debt (principal	$ 291,990.00
Sewer Interest on Debt	$ 82,416.00
Sewer Int on Temp Loans	$ 152,200.00
for a total of	**$ 3,231,614.00**

of which $218,000 be appropriated from Sewer Enterprise Retained Earnings
$2,973,977 be appropriated from the Sewer Enterprise
$39,637 be transferred from Sewer Betterment Stabilization Fund as follows:

$13,297 from Sewer Betterment Stabilization Fund - West Island
$6,843 from Sewer Betterment Stabilization Fund - Boulder Park
$3,643 from sewer Betterment Stabilization Fund - Nancy Street
$15,854 from Sewer Betterment Stabilization Fund - Sconticut Neck Road

ARTICLE 7 - FY17 WATER ENTERPRISE FUND OPERATING BUDGET

Voted the following sums of money to fund the FY17 Water Enterprse Fund Operating Budget:

Water Salaries & Wages	$	539,034.00	
Water Expenses	$	374,377.00	
Water District	$	1,183,203.00	
Water Indirect Costs	$	394,443.00	(to cover the costs in the General Fund)
Water Reserve Fund	$	50,000.00	
Water Debt	$	47,644.00	
Water Interest on Debt	$	18,008.00	
for a total of	**$**	**2,606,709.00**	to be appropriated from the Water Enterprise

ARTICLE 8 - FY17 RECREATION ENTERPRISE FUND

Voted the following sums of money to fund the FY17 Recreation Enterprise Fund Operating Budget:

Recreation Salaries & Wages	$	153,340.00
Recreation Expenses	$	171,770.00
for a total of	**$**	**325,110.00**

of which $ 67,200 to be raised on the Tax Levy and
$ 12,910 be appropriated from Recreation Enterprise Retained Earnings and
$245,000 be appropriated from the Recreation Enterprise

ARTICLE 9 - FY17 GENERAL FUND CAPITAL PLAN

Voted the following sums of money be appropriated from Surplus Revenue to fund the following Capital Equipment/Projects from the General Fund for FY2017:

A) Replacement of two (2) Police Cruisers`	$ 78,345.00
B) Police SafeBoat	$ 30,000.00
C) Highway Equipment - Replace vehicle #26 (dump truck)	$ 150,000.00
D) Hastings Middle School flooring	$ 153,408.00
E) Harbormaster Truck	$ 40,000.00
F) Public Facilities Improvement Plan	$ 45,000.00

ARTICLE 10 - SEWER ENTERPRISE CAPITAL PLAN

Voted that the Town appropriate the sum of $8,682,000 to pay costs of the following Capital Equipment/ Project for FY 2017, including the payment of all costs incidental and related 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) Inflow and Infiltration Remediation	$ 800,000.00
E) Design Fee	$ 491,000.00
F) Engineering Services for Construction	$ 697,000.00

and that to meet this appropriation, $682,000 shall be transferred from retained earnings in the Sewer Enterprise Fund, and the Treasurer, with the approval of the Selectmen, is authorized to borrow $8,000,000 under and pursuant to M.G.L. Chapter 44, Sections 7 and 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

ARTICLE 11 - ROADWORK

Voted the following sums of money, not to cumulatively exceed $300,000, to do the following roadwork:

A) $116,323.00 - Union Street - Reconstruct, hard-surface and install drainage on Union street from Green Street to Walnut Street.

B) $102,143.00 - Harding Road - Reconstruct and hard-surface Harding Road from Alden Road to Main Street.

C) $81,534.00 - Capeview Street - Reconstruct and hard-surface and install drainage on Capeview Street from the end of the existing pavement to Sunrise Court.

D) Winsegansett Street/Sippican Street - ***Voted Indefinite Postponement***

ARTICLE 12 - TRANSFER FROM HOWLAND ROAD SETTLEMENT AGREEMENT

Voted to transfer from the General Fund to the State Aid to Highways Acct 023-950-00-5851-03-0495, the sum of $66,768.84. This money was originally paid by the Board of Public Works from available road work funds to cover part of the cost of the Howland Road project. The Town received repayment of that money as part of the setlement of its claims arising from that project, and that repayment was

depositied into the Town's General Fund. The proposed transfer will return that money to the Board of Public Works and make it available for the construction, reconstruction and improvement of Town roads.

ARTICLE 13 - STATE AID TO HIGHWAYS

A) Voted to authorize the Board of Public Works to acceppt and enter into contract for the expenditure of any funds allotted or to be alloted by the Commonwealth of Massachusetts for the construction, reconstruction and improvements of Town Roads.

B) Voted the sum of $523,821 be appropriated from State Aid to Highways for capital improvements on local roads, subject to the condition detailed by the Massachusetts Highway Department pursuant to the MGLS and Transportation Department's Chapter 90 Guidelines.

ARTICLE 14 - CAPITALIZATION FUND

Voted the sum of $500,000 be appropriated from Surplus Revenue to be depositied in the Capital Stabilization Fund as authorized by Chapter 40, Section 5B of the General Laws.

ARTICLE 15 - AMBULANCE FUND

Voted the sum of $50,000 be appropriated from the Ambulance Receipts Reserved for Appropriation to the Ambulance Stabilization Fund.

ARTICLE 16 - SOCIAL DAY CARE CENTER

Voted to authorize the Fairhaven Council on Aging to expend in the Fiscal Year 2017 a sum of money not to cumulatively exceed $140,000 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.

ARTICLE 17 - PROPAGATION OF SHELLFISH

Voted the sum of $17,500 be raised on the Tax Levy for the propagation of shellfish.

ARTICLE 18 - FEMA GRANT FOR LADDER 1 - 10% MATCH

Moved to Pass Over

ARTICLE 19 - FEMA - 5% MATCH FOR NEW FIRE EQUIPMENT

Moved to Pass Over

ARTICLE 20 - CULTURAL COUNCIL FUNDING

Voted the sum of $2,500 be raised on the Tax Levy.

ARTICLE 21 - TOWN MASTER PLAN

Voted the sum of $85,000 be raised on the Tax Levy to hire a consultant to work with the Town to prepare a Master Plan in compliance with MGL Chapter 41, Section 81D.

ARTICLE 22 - WATER MANAGEMENT ACT

Voted the sum of $5,000 from Water Enterprise Retained Earnings for engineering and legal fees associated with the Department of Environmental Protection Water Management Act Water Withdrawal Permit

ARTICLE 23 - COLA BASE INCREASE IN FISCAL YEAR 2017

Voted the sum of $60,000 by raised on the Tax Levy to increase the COLA base for retirees beginning July 1, 2016 from $12,000 to $13,000. This request in consistent with the provisions of Chapter 188, Section 19 of the Acts of 2010.

ARTICLE 24 - WIND TURBINE ELECTRICITY PURCHASE

Voted the sum of $750,000 be raised on the Tax Levy to purchase electricity generated by Fairhaven Wind. Revenue generated from NSTAR for the wind turbiness power purchase will be deposited into the Town Treasury and will offset expenditures made under this appropriation.

ARTICLE 25 - STREET LIGHTS

Voted the following sums of money for the installation and maintenance of the following street light:

A) $800 for one light at Roy Street, pole #93/2

B) $800 for one light at 192 Balsam Street, pole #299/50

ARTICLE 26 - REVOLVING FUNDS

Voterd to authorize and/or re-authorize the following Revolving Accounts under the provisions of M.G.L. Chapter 44, Section 53 E 1/2 under the following terms:

Revolving Fund	Auth to Spend	Use of Funds	Rev Source	FY 17 Limit
Hazardous Materials	Fire Chief	to fund Hazardous Material 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	$100.00
Sustainability	Sustainability Green Committee	to fund the expenses of the Sustainability Com	Fee/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 (NEW ACCOUNT)	Town Administrator	to fund improvements, maintenance and repairs of the Town Hall auditorium	Town Hall auditorium rental fees	$2,000
Park Utilities	BPW	For park lighting during sporting events	User fees	$2,000

ARTICLE 27 - TRANSFER FROM SURPLUS REVENUE

Moved to Pass Over

ARTICLE 28 - STREET ACCEPTANCE

A) Voted to accept the layout of a parcel of land shown as Welcome Street on a plan entitled "Street Acceptance Plan, Welcome Street, Fairhaven, Massachusetts", scale: 1" = 20', dated September 10, 2015 and prepared by Thompson Farland, Professional Engineers/Surveyors, 398 County Street, New Bedford, MA., said Welcome Street is 40.00 feet in width and contains 9,129 square feet.

Beginning at a stone bound in the southerly line of Washington Street, said bound marking the northeast corner of land now or formerly of Jose Rodriques DeAlmeida and Vivina S. Almeida and the northwest corner of Welcome Street;

Thence running in the south line of Washington Street, N 62°-48'-00" E, 40.35' feet to a corner and land now or formerly of Wally C. Therrien;

Thence turning and running by land now or formerly of the said Therrien and Edward William DeCosta, Jr. and Denise DeCosta, S 34°-43'-30" E, 225.58 feet to a corner and land now or formerly of Leslie P. Knowles;

Thence turning and running by land now or formerly of the said Knowles,

S 55°-16'-30" W, 40.00 feet to a corner and land now or formerly of Micheal S. and Jo-Ann T. Aguiar;

Thence turning and running by land of the said Aguiar and Jose Rodriques DeAlmeida and Vivina S. Almeida, N 34°-43'-30" W, 230.86 feet to Washington Street and the point of beginning.

B) To see if the Town will accept Treasure Bay Lane from Reservation Road to the end, a distance of approximately 214.84 feet, more or less.
Moved to Indefinitely Postpone

C) Voted to accept the layout of a parcel of land shown as Rockland Street on a plan entitled "Street Layout and Acceptance Plan for Rockland Street" scale 1" = 30' dated March 9, 2016 and prepared by GCG Associates, Inc, Wilmington, MA, said Rockland Street is 50.00 feet in width and contains 27,521 square feet +/-.

Beginning at the intersection of the northeasterly sideline of Point Street and the northerly sideline of Rockland Street; thence turning and running along the northerly sideline of Rockland Street;

With a radius of 15.38', a length of 22.72' to a stone bound at the intersection of the northerly sideline of Rockland Street and the southwesterly sideline of Sconticut Neck Road; thence turning and running along the southwesterly sideline of Sconticut Neck Road.

A bearing of S 28° 10' 00" E, a distance of 50.22' to the intersection of the southwesterly sideline of Sconticut Neck Road and the southerly sideline of Rockland Street at a point of curvature; thence turning and running along a curve to the left on the southerly sideline of Rockland Street;

A radius of 12.74', a length of 21.21' to a stone bound; thence turning and running along the southerly sideline of Rockland Street;

A bearing of S 56° 27' 20" W, a distance of 528.32' to the intersection of southerly sideline of Rockland Street and the northeasterly sideline of Point Street; thence turning and running along the northeasterly sideline of Point Street;

A bearing of N 42° 49' 39" W, a distance of 50.66' to the point of beginning;

ARTICLE 29 - COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS

Voted to appropriate or reserve from the Community Preservation Fund annual revenues or available fund the amounts recommended by the Community Preservation Committee for community preservation projects, commttee's administrative expenses, and other expenses in Fiscal Year 2017, with each item to be considered a separaate appropriation.

A. Voted to appropriate $80,000 with $50,000 from FY17 Estimated Receipts and $30,000 from Open Space Existing Fund Balance for the Buzzards Bay Coalition: Mattapoisett Valley Drinking Water Protection and Trails Project provided that the Town of Mattapoisett contributes a minimum of $65,000 towards the project.

B. Voted to appropriate $50,000 from FY17 Estimated Receipts for Fairhaven Housing Authority - Dana Court - Boilers Replacement Project.

C. Voted to appropriate $25,000 with $5,000 from FY17 Estimated Receipts and $20,000 from Community Housing Existing Fund Balance for the Planning and Economic Development Department - Master Plan - Housing Element.

D. Voted to appropriate $70,000 from FY17 Estimated Receipts for the Fairhaven High School - North Elevation Window Restoration Project Ph 2.

E. Voted to appropriated $159,000 from FY17 Estimated Receipts for the Library Exterior Restoration Project Ph. 3.

F. Historical Commission - Academy Building - Extension Siding Project.
Moved to Indefinitely Postpone.

G. Voted to appropriate $12,600 from FY17 Estimated Receipts for administrative services and operating expenses provided in support of the Community Preservation Committee.

ARTICLE 30 - PROTECTION OF WATER SOURCES AND SUPPLY

Voted the following by-law under Chapter 187 - Water, Part 3 - Water Supply Section 187-13:

A. Purpose
The purpose of this by-law is to recognize that the contamination of any pond, stream, surface, or sub-surface water in the Town of Fairhaven would pose a significant hazard to the health of the inhabitants of the Town and, therefore, to protect such water sources from contamination

B. Water Withdrawal Prohibition
Except as hereinafter provided, no person shall withdraw water from surface water (including but not limited to wetlands, stream channels, lakes, springs, ponds) within the Town of Fairhaven into any tank vehicle, or into any tank contained in or on any vehicle.

C. Exception

The prohibitions contained in Paragraph B above shall not apply to withdrawals associated with the following:

1. Any withdrawal permitted under a permit issued by any agency of the Town of Fairhaven, Commonwealth of Massachusetts and/or the United States Government.

2. Any withdrawal associated with agricultural operations by either the owner of a private water supply or any other person or entity having withdrawal rights in said water body,

3. Any withdrawal associated with firefighting or training activities associated with firefighting.

4. Any withdrawal by a riparian landowner for personal use provided said withdrawal is less than 100 gallons per day.

D. Violations, Penalties' Enforcement

Any person or entity in violation of the provisions herein shall be fined by a fine of $00 for the first violation and $200 for each subsequent violation. Each day on which a violation exists shall constitute a separate violation

This by-law shall be enforced under the Non-Criminal Disposition provisions of M.G.L. Chapter 40, Section 21D and my be enforced by the Conservation Commission, Board of Health, and Fire Department, or their designees. This by-law may also be ebforced by the Fairhaven Police Department.

ARTICLE 31 - REZONING PETITION - 294 HUTTLESTON AVENUE

Voted by two thirds (2/3) vote to amend the Zoning Map as follows:

REZONE the following described lot from Business (B) to Apartment/Miltifamily (RC): Assessor's Map 31B, Lot 60B as described in the Bristol County Registry of Deeds Book 9524, Page 174.

ARTICLE 32 - AMENDMENT TO ZONING BY-LAWS

Moved to Indefinitely Postpone

ARTICLE 33 - AMENDMENT TO ZONING BYLAW - AUTO, BOAT, SALES, RENTAL, SERVICE

Moved to Pass Over

ARTICLE 34 - LEGISLATIVE ARTICLE AMENDMENTS BPW AND TOWN ADMINISTRATOR

Voted that the article be amended to correct a typographical error by striking the words, "zoning (b)" and insert the words "Board of Public Works".
Voted to adopt the article as amended.

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court,

(a) to repeal Chapter 389 of the Acts of 2014, An Act Relative to the Board of Public Works in the Town of Fairhaven, and

(b) to amend Chapter 381 of the Acts of 2014, An Act Establishing the Position of Town Administrator in the Town of Fairhaven.

The purpose of these petitions is to remove from the authority of the Board of Selectmen that (b) to amend Chapter 381 of the Acts of 2014, An Act Establishing the Position of Town authority presently delegated to the Board of Public Works; and also to further clarify the authority and duties of the Town Administrator

The proposed amendments to Chapter 381 of the Acts of 2014 are:

1. Striking therefrom subsection (c) of Section 1, and inserting the following in its place: "(c) appoint the town counsel and any special counsels, and all members of committees, boards and commissions except the finance committee and except those appointed by the moderator, elected by the voters or under the jurisdiction of the school committee or of the board of public works and may make appointments to temporary posts and committees the board creates for special purposes;" and by

2. Striking therefrom subsection (e) of Section 2, and inserting the following in its place: "(e) Manage and direct the daily reporting and supervision of all town departments under the jurisdiction of the board of selectmen including: assessors, building commission, council on aging, police, civil defense, animal control officer, gas inspector, plumbing inspector, wiring inspector and weights and measures inspector, recreation, tree planning, finance, finance

director, collector, treasurer, accounting, veterans, town counsel, other committees appointed by and under the jurisdiction of the board of selectmen and the fire department, subject to section 42 of chapter 48 of the General Laws, but not including the school department, and the public works department." , and by

3. Striking therefrom subsection (g) of Section 2, and inserting the following in its place:
"(g) Except with respect to the school department, and the public works department, the town administrator shall have sole authority over the administration of personnel policies for all town employees. With respect to the fire department, such authority shall be subject to section 42 of chapter 48 of the General Laws. The town administrator shall act as the personnel board under all applicable laws and by-laws, except as otherwise set forth in this act. The personnel board as presently constituted shall be eliminated upon the appointment of the town administrator. The town may enact by-laws establishing the wages, salaries and other benefits of employees, which shall be consistent with the authority granted to the town administrator in this act. 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, and 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." and by

4. Striking therefrom subsection (k) of Section 2, and inserting the following in its place:
"(k) With the approval of the board of selectmen, negotiate all collective bargaining agreements on behalf of the town, except for the school department and the public works department. The town administrator may seek the assistance of labor counsel if the town administrator deems it necessary to effect successful negotiations. All final agreements must be approved and executed by the board of selectmen." and by

5. Striking therefrom subsection (m) of Section 2, and inserting the following in its place:
"(m) Submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current and ensuing 5 years. The proposed budget shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by department, committee, agency, purpose and position and proposed financing methods. The proposed budget shall include estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law establish additional financial information and reports to be provided by the town administrator. To assist the town administrator in preparing the proposed annual budget of revenue and expenditures, the finance director, all boards, officers and committees of the town, including the school committee and the board of public works, shall furnish to the town administrator, in a writing in such a form as the town administrator shall establish, all relevant information in their possession, including a detailed estimate of the appropriations required and any available funds." and by

6. Striking therefrom subsection (v) of Section 2, and inserting the following in its place:
"(v) Manage and oversee the use, maintenance, security and, with the approval of the board of selectmen, regulate the rental for all the town buildings, properties and facilities, including information technology, except those under the jurisdiction of the school department or the public works department, unless so requested by either of those departments." and by

7. Striking therefrom subsection (x) of Section 2, and inserting the following in its place:
"(x) With the approval of the board of selectmen, prosecute, defend and settle all litigation for or against the town or its officers and employees, subject to such appropriation as may be necessary to effect settlement, except for litigation involving only the school department or the public works department, unless so requested by either of those departments."

ARTICLE 35 - BATES - TABER HOUSE LAND EXCHANGE

Voted to authorize the Selectmen to purchase from Adventist Heritage Ministry ("AHM"), or its successor or assignee, for one dollar or other valuable non-monetary consideration, a parcel of land shown as Fairhaven Assessors' Map 14, Lot 23, located at 191 Main Street, identified as "Area 'B'" in the ANR Plan of 191 Main Street, Fairhaven, Massachusetts, prepared by Romanelli & Associates for AHM dated September 15, 2015, being 726 square feet in area; and, simultaneously therewith, to sell AHM, or its successor or assignee, for one dollar or other valuable non-monetary consideration, that portion of the lot shown as Fairhaven Assessors' Map 14, Lot 149, located at 191 Main Street, identified as "Area 'A'" in the same ANR plan, being 726 square feet in area.

ARTICLE 36 - ELIMINATE EXECUTIVE SECRETARY FROM TOWN BYLAW AND CODE

Voted to amend the article as written by adding the following:

At Section 40.2 - Strike the words "or executive secretary" and make no substitution, and

At Section A 501.1 - Do not strike the reference to Executive Secretary, but add a footnote "See Chapter 381 of the Acts of 2014 establishing the position of Town Administrator in the Town of Fairhaven

Voted to adopt the article as amended.

ARTICLE 37 - LEGISLATION FOR BEER AND WINE - PIZZERIA BRICK

Votedd to authorize the Board of Selectmen to petition the General Court for the passage of legislation authorizing the issuance of a Restaurant/Beer and Wine license to Pizzaeria Brick, Inc., 213 Huttleston Avenue in the Town of Fairhaven, notwithstanding ny limitations on the number of licenses issued under the provisions of Chapter 138 of the Massachusetts General Laws as amended. This license is non-transferable to another location, but the licensing authority may grant the license to a new applicant at the same location.

ARTICLE 38 - OTHER BUSINESS

None

EILEEN M. LOWNEY
Town Clerk

Motion to adjourn on Saturday, May 7, 2016 at 11:43AM. Seconded