

**SPECIAL TOWN MEETING – SATURDAY, MAY 5, 2012**  
**WALTER SILVEIRA AUDITORIUM – ELIZABETH HASTINGS MIDDLE SCHOOL**  
**TOWN MEETING MEMBERS PRESENT 300 – QUORUM REQUIRED 100**

Meeting called to order by the Moderator at 9:00 AM.

The Moderator stated that the warrant had been properly served and that there was a quorum.

Voted that the Moderator be relieved from reading each article in its entirety and that he be allowed to refer to the article by number and title only. Seconded.

Town Meeting Members present:

Precinct 1	– 52
Precinct 2	– 49
Precinct 3	– 38
Precinct 4	– 50
Precinct 5	– 60
<u>Precinct 6</u>	<u>– 51</u>
TOTAL	- 300

**ARTICLE 1 – TOWN CHARGES**

Voted unanimously the following sums of money to fund additional salaries and operating expenses for the following departments. Said sum to be added to previously voted appropriations for FY11:

**GENERAL GOVERNMENT**

**1. Treasurer**

a. Salary & Wages - \$1,524.00 by transferring \$1,524 from the May 7, 2011 Annual Town Meeting Article 4, Section 61C Interest on Temporary Loans.

2. Tax Title - \$10,000.00 by transferring \$10,000.00 from the May 7, 2011 Annual Town Meeting Article 4, Section 61C Interest on Temporary Loans.

3. Legal Expenses - \$35,000.00 by transferring \$16,906.00 from available funds and \$18,094.00 from Surplus Revenue.

**4. Highway Department**

e.3) Equipment Purchase – Street Sweeper - \$121,000.00 by transferring \$121,000.00 from available fund.

**5. Veterans Services**

b. Purchase of Services - \$11,000.00 by transferring \$11,000.00 from Surplus Revenue.

d. Other Charges/Expenses - \$8,000.00 by transferring \$8,000.00 from Surplus Revenue.

**ARTICLE 2 – FUNDING LABOR CONTRACTS – 2012**

Voted unanimously the following sums of money to supplement the appropriations of Article 4 of the Annual Town Meeting, May 7, 2011 for the purpose of funding the cost in FY 2012 only, of the Collective Bargaining agreement between the Town and the following labor groups, said agreement signed and dated prior to this Town Meeting:

1. Passover.

2. Water Department - \$2,530.00 by transferring \$2,530.00 from Water Retained Earnings.

**ARTICLE 3 – FUNDING LABOR CONTRACTS – 2013**

Voted unanimously the following sums of money to supplement the appropriations by adoption of Article 4 of the Annual Town Meeting, May 5, 2012 for the purpose of funding the cost in FY 2013 only, of the Collective Bargaining agreement between the Town and the following labor groups, said agreement signed and dated prior to this Town Meeting:

1. Clerical Union – AFSCME AFL-CIO, Local 851
  - a. Salaries & Wages - \$6,520.00 by transferring \$584.00 from Water Revenue, \$452.00 from Sewer Revenue and \$5,484.00 to be raised on the FY 2013 Tax Levy.
2. Highway Division and Park Division – Council 93, American Federation of State, County and Municipal Employees AFL/CIO Local 851
  - a. Highway Division - \$7,415.00 to be raised on the FY 2013 Tax Levy.
  - a. Park Division - \$468.00 to be raised on the FY 2013 Tax Levy.
3. Sewer Department – Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59
  - a. Salaries & Wages – **MOVED TO PASS OVER**
4. Water Division – Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59
  - a. Salaries & Wages - \$6,478.00 by transferring \$6,478 from Water Revenue.

#### **ARTICLE 4 – WATER BUDGET**

Voted unanimously the sum of \$33,000.00 by transferring \$33,000.00 from Water Retained Earnings to supplement the FY 2012 Water Budget.

#### **ARTICLE 5 – CUSHMAN PARK EASEMENT**

Voted unanimously to authorize the Board of Selectmen to petition the General Court for special legislation which would authorize the Town to convey an easement in that portion of Cushman Park described as follows:

A certain parcel of land in Fairhaven, Bristol County, Massachusetts, shown as a triangular parcel owned by Fred Andrews on a plan entitled "Plan To Accompany Taking By The Town of Fairhaven under Chapter 106 of Acts of Year 1903" said plan recorded at the Bristol County Registry of Deeds SD at Book 6 Page 8 and which is further bounded and described as follows:

Beginning at the southwest intersection of Bridge and Green Street;

Thence by the westerly sideline of Green St 91.50 feet to a drill hole and land now or formerly owned by William F Nye;

Thence turning westerly by Land of said Nye 20.00 feet to land now or formerly of Fred Andrews;

Thence turning in a northerly direction by land of said Andrews 86.59 feet to the point of beginning;

Containing 3.17 Rods or 871 square feet more or less.

That easement is to be conveyed to the then current owner of the abutting property appearing at Fairhaven Assessors' Map 12 Lot 60, and known as 188 Green Street, Fairhaven, and in perpetuity to his successors and assigns in title to that abutting property. The consideration for such conveyance shall be a release of the Town, and its officers, agents and employees, from any and all claims of any sort whatsoever and without limitation, arising out of, or in any way relating to, any claim of right, title or of any other interest in, or to the actual possession, use or occupancy of, either (a) the parcel subject to easement, or (b) any other portion of the parcel appearing at Fairhaven Assessors' Map 2 Lot 61, and known as Cushman Park. The easement and release shall each be in a form satisfactory to the Board of Selectmen in its sole discretion.

#### **ARTICLE 6 – STABILIZATION - AMBULANCE**

To see if the Town will vote to establish a Stabilization Fund under the provisions of Massachusetts General Laws Chapter 40 Section 5B for the purpose of purchasing a new ambulance, and to fund this article the Treasurer is authorized on July 1, 2012 to transfer \$40,000.00 from the receipts reserved for appropriation – Ambulance into this fund. Or to take any other action thereon. **MOVED TO PASS OVER**

**ARTICLE 7 – ANAEROBIC DIGESTER**

Voted unanimously the sum of \$300,000.00 by transferring \$300,000.00 from Sewer Retained Earnings to complete the Anaerobic Digester and Combined Heat and Power Project at the Wastewater Treatment Facility.

**ARTICLE 8 – WIND TURBINE MORATORIUM**

We the registered voters of the town of Fairhaven, petition the town meeting to vote to immediately place a moratorium, to continue for one year following the date of this vote, to direct all elected Board members within the town of Fairhaven, and all appointed officials or employees of the Town of Fairhaven, to take all actions necessary, to cease, suspend and otherwise prohibit the permitting, construction, installation, and contract negotiation for the siting of any industrial-sized commercial or municipal wind turbines anywhere within the borders of the town of Fairhaven, on public or private land, under the present wind turbine by-laws or zoning by-laws by special permit, building permit or otherwise; and to direct the Fairhaven Planning Board during this one year period to comprehensively review the existing wind turbine by laws, and other zoning by-laws which permit wind turbines within the town of Fairhaven.

***MOVED INDEFINITE POSTPONEMENT***

**ARTICLE 9 – DRAINAGE EASEMENT ACQUISITION – ELLIOT LANE**

Voted unanimously to authorize the Board of Selectmen of the Town of Fairhaven to accept as a gift or in any other manner acquire a drainage easement in and under that certain parcel of property owned by Jostein Mjolhus, Else Mjolhus, Malvin Kvilhaug and Berit Kvilhaug for the municipal purpose of the improvement of drainage in the Elliott Lane area of Town, said easement area being described as:

Beginning at the southeast corner of land now or formerly of Macedo said point being the southwest corner of easement area to be described shown on a plan hereinafter referred to:

THENCE, N 34 32 53 W by said Macedo land ninety-nine (99) feet to the southerly line of Elliot Lane;

THENCE, N 84 07 34 E by said southerly line of Elliot Lane ten (10) feet;

THENCE, S 34 32 53 E ninety-nine (99) feet to the northerly side line of Bridge Street;

THENCE, southwesterly in the northerly sideline of Bridge Street ten (10) feet to the point of beginning

CONTAINING 990 square feet, more or less and being shown on a Plan entitled "42 Bridge Street, Fairhaven, Massachusetts, Utility Easement Plan", prepared by GCG Associates, Inc., Wilmington, Massachusetts dated March 6, 2012.

**ARTICLE 10 – ALL ALCOHOL LICENSE**

Voted Unanimously, as amended, to authorize the Board of Selectmen to petition the General Court for the passage of legislation authoring the issuance of a Package Store/All Alcohol License to Total Confection LLC, in the Town of Fairhaven, notwithstanding any 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 11 – STABILIZATION – BOULDER PARK SEWER BETTERMENT**

Voted unanimously to establish a Stabilization Fund under the provisions of Massachusetts General Laws, Chapter 40, Section 5B for the purpose of depositing funds received for the early payoffs of sewer betterments for the Boulder Park and that the Treasurer is authorized to transfer \$27,809.00 from account #029-000-3212-000.

**ARTICLE 12 – STABILIZATION – SCONTICUT NECK SEWER BETTERMENT**

Voted unanimously to establish a Stabilization Fund under the provisions of Massachusetts General Laws Chapter 40, Section 5B for the purpose of depositing funds received for the early payoffs of sewer betterments for Sconticut Neck and that the Treasurer is authorized to transfer \$1,751,941.00 into this fund from 029-000-3242-0000.

**ARTICLE 13 – STABILIZATION – NANCY STREET SEWER BETTERMENT**

Voted unanimously to establish a Stabilization Fund under the provisions of Massachusetts General Laws Chapter 40, Section 5B for the purpose of depositing funds received for the early payoffs of sewer betterments for Nancy Street and that the Treasurer is authorized to transfer \$203,246.00 into this fund from 029-000-3244-0000.

**ARTICLE 14 – STABILIZATION – WEST ISLAND SEWER BETTERMENT**

Voted unanimously to establish a Stabilization Fund under the provisions of Massachusetts General Laws Chapter 40, Section 5B for the purpose of depositing funds received for the early payoffs of sewer betterments for West Island Sewer Project and that the Treasurer is authorized to transfer \$128,754.00 into this fund from 029-000-3245-0000.

**ARTICLE 15 – OTHER BUSINESS**

NONE

Motion to adjourn sine die at 10:55 AM on Saturday, May 5, 2012. Seconded

**Eileen M. Lowney  
Town Clerk**