

WARRANT

**For Annual Town Meeting Election, Monday, April 2, 2012
and Meeting to Act on Articles in the Warrant
Saturday, May 5, 2012 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 2, 2012

Precinct One: Town Hall, William Street entrance
Precinct Two: Fairhaven High School, Larch Avenue entrance
Precinct Three: Hastings Middle School, Ash Street entrance
Precinct Four: Hastings Middle School, Ash Street entrance
Precinct Five: Leroy Wood School, Sconticut Neck Road entrance
Precinct Six: East Fairhaven School, New Boston Road entrance

In said precincts in said town on Monday, April 2, 2012 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, one Moderator 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, two Planning Board members for four years, one Housing Authority member for five years, one Housing Authority Member for one year unexpired term, one Tree Warden for three 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 – 24 for 2 years – 24 for 1 year
Precinct Two: 24 for 3 years – 24 for 2 years – 24 for 1 year
Precinct Three: 23 for 3 years – 23 for 2 years – 23 for 1 year
Precinct Four: 25 for 3 years – 25 for 2 years – 25 for 1 year
Precinct Five: 23 for 3 years – 23 for 2 years – 23 for 1 year
Precinct Six: 24 for 3 years – 24 for 2 years – 24 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 5, 2012 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.

ARTICLE 2 – TOWN REPORT

To receive the Annual Report of Town Officers.

ARTICLE 3 – SETTING SALARIES OF TOWN OFFICERS

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, 2012.

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

ARTICLE 4 – TOWN CHARGES

To raise the sums of money as shall be necessary to defray the Town Charges for the ensuing year and make appropriations for the same viz:

GENERAL GOVERNMENT

- 1. Moderator
 - (a) Salary
- 2. Selectmen
 - (a) Salaries of Board (b) Other Salaries (c) Purchases of Services (d) Supplies (e) Other Charges/Expenses (f) Capital Outlay
- 3. Town Accountant
 - (a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
- 4. Audit Expenses
- 5. Data Processing
 - (a) Purchases of Services (b) Supplies (c) Capital Outlay
- 6. Treasurer
 - (a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
- 7. Tax Title
- 8. Town Clerk
 - (a) Salary – Town Clerk (b) Other Salaries (c) Purchases of Services (d) Supplies (e) Other Charges/Expenses (f) Capital Outlay
- 9. Election and Registration
 - (a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
- 10. Town Collector
 - (a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
- 11. Assessors

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

12. Town Hall

(a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

13. Council on Aging

(a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

14. Town Meeting

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

15. Finance Committee

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

16. Planning Board

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

17. Department of Planning and Economic Development

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

18. Board of Appeals

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

19. Personnel Board

(a) Purchases of Services (b) Supplies (c) Other Charges/Expenses (d) Capital Outlay

20. Legal Expense

21. Engineering

22. Conservation Commission

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

23. Office of Tourism

(a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

24. Commission on Disability

(a) Purchases of Services (b) Supplies (c) Other Charges/Expenses (d) Capital Outlay

PUBLIC SAFETY

25. Police Department

(a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

26. Fire Department

(a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

27. Fire Alarm Maintenance

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

28. Building Department

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

29. Tree Warden Department

(a) Salary – Tree Warden (b) Other Salaries (c) Purchases of Services (1.) Utilities (d) Supplies (1.) Gasoline (e) Other Charges/Expenses (f) Capital Outlay

30. Shellfish Inspection

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

31. Care of Dogs and Other Animals

(a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

32. Emergency Management Agency

(a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

33. Sealer of Weights and Measures

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

34. Street Lighting

HEALTH AND SANITATION

35. Board of Health

(a) Salaries of Board (b) Other Salaries (c) Purchases of Services (d) Supplies (1.) Gasoline (e) Intergovernmental (f) Other Charges/Expenses (g) Capital Outlay (h) SEMASS (i) Recycling (j) Hazardous Waste (k) Landfill Inspection

36. Enforcement Agent

(a) Salaries and Wages

BOARD OF PUBLIC WORKS

37. Administration

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

38. Highway Division

(a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay (1.) Landfill-Transfer Station (2.) Rubbish Collection (3.) Equipment Purchase (f) Street Re-Surfacing (g) Sidewalk/Curbing (new) (h) Sidewalk Repair (i) Curb/Hard Surface (j) Drainage (k) Sub-division MGT Fees

39. Sewer Division

(a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay (f) Sludge Disposal

40. Water Division

(a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay (f) Water District

VETERANS SERVICES

41. Veterans Services

(a) Salaries and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

SCHOOLS

- 42. Elementary and High School
- 43. Greater New Bedford Regional Vocational Technical High School
- 44. Bristol County Agricultural High School

LIBRARY

- 45. Millicent Library

RECREATION

- 46. Recreation Center
 - (a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay (f) Recreation Center Program Account
- 47. Park Division
 - (a) Salaries and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

UNCLASSIFIED

- 48. Contributory Retirement
- 49. Group Insurance
- 50. Memorial Day
- 51. Massachusetts Employment Security
- 52. Non-Contributory Retirement
- 53. Reserve Fund
 - (a) General
 - (b) Water
 - (c) Sewer
- 54. Town Insurance
- 55. Town Report
- 56. F.I.C.A.
- 57. Buzzard's Bay Action Committee
- 58. Rape Crisis Project
- 59. Fine Arts
- 60. Stabilization Fund

MUNICIPAL DEBT AND INTEREST

- 61. General Fund
 - (a) Debt (b) Interest on Debt (c) Interest on Temporary Loans
- 62. Water Fund
 - (a) Debt (b) Interest on Debt (c) Interest on Temporary Loans
- 63. Sewer Fund
 - (a) Debt (b) Interest on Debt (c) Interest on Temporary Loans

Or take any other action relative thereto.

ARTICLE 5 – OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND – GASB 45

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund future financial obligations of the Town for health insurance benefits of retirees, or to take any other action relative thereto.

Petitioned by: The Director of Finance/Treasurer

ARTICLE 6 – STATE AID TO HIGHWAYS

- 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 Chapter 90, Section 34 of the MGLS and Transportation Departments Chapter 90 Guidelines, or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 7 – WORKER’S COMPENSATION ASSESSMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to pay a MEGA 2011 Worker’s Compensation Assessment due July 1, 2012 for the period of 2003-2006 or to take any other action relative thereto.

Petitioned by: The Board of Selectmen

ARTICLE 8 – FAIRHAVEN EMERGENCY MANAGEMENT AGENCY

A. Roof Repair

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to make roof repairs to the Fairhaven Emergency Management headquarters located at 150 Sconticut Neck Road, or to take any other action relative thereto.

B. Cots

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase 21 cots for the Emergency Shelter, or to take any other action relative thereto.

Petitioned by: Emergency Management Agency

ARTICLE 9 – COLLECTIVE BARGAINING

To see if the Town will vote to amend the provisions of Chapter 50 of the Town Code by adding thereto the following as §50-9. entitled “Collective Bargaining Agreements”.

§50-9. COLLECTIVE BARGAINING AGREEMENTS

- A. The provisions of this Section shall apply to any collective bargaining agreement executed after the effective date of this Section.
- B. Copies of all agreements, in their entirety, entered into with employees of the Town pursuant to collective bargaining, including the current pay schedule and the proposed pay schedule which shall include step increases and longevity, shall be made available for inspection by the public at the locations specified in this Section no later than 12:00 p.m. on the tenth (10th) day before the Town Meeting is to vote on the question of appropriating funds to implement any such agreement.
- C. Accompanying all such agreements shall be a document highlighting the changes from the previous agreement and the estimated total cost of each change over the life of the agreement. Such changes shall include but not be limited to any actual payment or potential payment for any: stipend, bonus, additional sick days, early termination notice, uniform allowance, personal days, or any matter which will require monetary payment or compensatory time to be made or given to an employee.
- D. On or before the time called for above, one (1) copy of any such agreement shall be provided to the Town Accountant, the Finance Committee and the Board of Selectmen; and, an additional two (2) copies of all agreements and accompanying documents shall be placed on file in the following locations no later than the time called for above before such agreements are to come before the Town Meeting for any action:
 - 1. Board of Selectmen’s Office;
 - 2. Town Clerk’s Office
 - 3. For such agreements involving employees of the various divisions under the jurisdiction of the Board of Public Works, in addition to the offices of the Board of Selectmen and Town Clerk, the same shall also be placed on file at the Board of Public Work’s Administration Building;

Once filed, said agreements and accompanying documents shall be made available for inspection to the public during normal business hours for each such location. A copy of the same shall be provided to any person requesting a copy; provided, however, that said copies shall be made only upon prior payment of the cost of making said copies.

- E. It shall be the responsibility of each entity or person entering into such an agreement on behalf of the Town to provide and file the required number of copies of said documents to the entities and persons and in the locations specified above. An additional copy shall also be provided to the person charged with maintaining the Town’s internet web site for

the purpose of posting the same thereon; provided, however, the failure for the same to be so posted shall not be deemed a violation of the provisions of this Section.

- F. If a motion to appropriate any funds for any such agreement is made without said agreements and documents having been provided or filed as called for above, the question shall be postponed until the next session of the Town Meeting held after such period has elapsed; provided, upon a majority vote of Town Meeting for each such agreement the provisions of this subsection may be waived, and a vote taken on said agreement.
- G. Notwithstanding anything contained herein to the contrary, such agreements and the powers and duties to negotiate the same shall remain under the exclusive jurisdiction of the appropriate authorities as granted by statute or such other applicable law, it being the specific purpose of this Section to require adequate notice of the provisions of any such agreement be provided to Town Meeting prior to voting on any requested appropriation for the same.

Or to take any other action relative thereto.

Petitioned by: The Finance Committee

ARTICLE 10 – FIRE ALARM DEPARTMENT PAGERS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase eleven (11) pagers for the Fire Alarm Department to replace the old equipment, or to take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 11 – SOCIAL DAY CARE CENTER

To see if the Town will vote to authorize the Fairhaven Council on Aging to expend in the Fiscal Year 2013 a sum of money from the current account “Receipts Reserved for Appropriation for Social Day Care Center” for the purpose of providing a Day Care Program for Senior Citizens or take any other action relative thereto.

Petitioned by: The Council on Aging

ARTICLE 12 – ACCEPTANCE OF STATUTE – COLA BASE

To see if the Town will vote to approve the Fairhaven Retirement Board vote to increase the COLA base beginning July 1, 2012 from \$12,000 to \$13,000 consistent with the provisions of Chapter 188, Section 19 of the Acts of 2010, or take any other action relative thereto.

Petitioned by: The Fairhaven Retirement Board

ARTICLE 13 – ACCEPTANCE OF STATUTE – MINIMUM ALLOWANCE

To see if the Town will vote to accept the provisions of Chapter 176, Section 48 of the Acts of 2011 to establish a \$15,000 minimum allowance for retirees who have in excess of 25 years of creditable service, or take any other action relative thereto.

Petitioned by: The Fairhaven Retirement Board

ARTICLE 14 – ACCEPTANCE OF STATUTE – SURVIVING SPOUSE

To see if the Town will vote to accept the provisions of Chapter 176, Section 29 and 30, of the Acts of 2011, to increase the minimum benefits for a member’s surviving spouse from \$250.00 to \$500.00 a month under G.L. c.32 §12 (2)(d), or take any other action relative thereto.

Petitioned by: The Fairhaven Retirement Board

ARTICLE 15 – HISTORICAL COMMISSION

- A. To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Historical Commission to defray expenses incurred pursuant of its duties to promote, protect and preserve the heritage of Fairhaven; and
- B. For the continued repairs, maintenance, improvements and utilities of the Academy Building; and
- C. For the continued repairs, maintenance, improvements and utilities of the Fire Museum; and
- D. For the continued repairs, maintenance, improvements and utilities at Fort Phoenix; and
- E. For the continued repairs, maintenance, and improvements of the Old Stone School House;

Or take any other action relative thereto.

Petitioned by: The Historical Commission

ARTICLE 16 – WATER MANAGEMENT ACT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for engineering and legal fees associated with the Department of Environmental Protection Water Management Act Water Withdrawal Permit or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 17 – ETHICS COMMISSION

We the registered voters of the Town of Fairhaven petition the town meeting to vote on the Article to vote on the following Article. To see if the Town shall vote to establish an ethics committee which shall be elected by the town voters each year at the time of the Spring Election. This will be a three member board and anyone serving on this board cannot have any dealings with the town from which they receive financial gain. Members of this board cannot serve on any other board elected or appointed. For the purposes of the first election the person with the highest vote total will serve for three years, the person who receives the second highest vote total will serve for two years, and The Ethics Board will have the following responsibilities and powers. They can investigate any conduct which appears to be unethical or illegal. They can ask for the records from any town board which would include minutes of meetings, e-mails, and any other correspondence which is asked that pertains to their inquiry. If malfeasance is found they can go directly to town meeting with a recommendation with options that include a: call for censure, a vote of no confidence, and an impeachment of a town official. Furthermore as representatives of the town they can ask for the Attorney General to investigate any activity which through their inquiry they found to be illegal or in violation of the open meeting law. Furthermore if they feel that a committee or member of a committee is operating in violation of the bylaws of the town they will contact that board and ask that immediate action to remedy the violation be taken. Any citizen can file a complaint with the Ethics Committee and if requested will be put on their agenda. The committee will determine within thirty days will determine what course of action if any will be taken regarding the complaint. The Ethics Committee will also prepare a code of ethics to be voted by the annual town meeting in 2013. Or to take any other action relative thereto.

Petitioned by: Kenneth Pottel and Others

ARTICLE 18 – IMPEACHMENT

We the registered voters of the Town of Fairhaven petition the town meeting to vote on the Article: Impeachment of any elected official or anyone appointed to serve on a town committee will follow the following guidelines. Charges of malfeasance can only be brought by the Ethics Committee. The person accused of wrong doing will have the opportunity to present any and all documents, witnesses or any other information before the Ethics committee and before the town meeting. A unanimous vote of the ethics committee in support of the impeachment is required in order to proceed to a town meeting for a vote of impeachment. A vote of 4/5 of the town meeting voters who are present is required for an impeachment to take place. Or any other action relative thereto.

Petitioned by: Grant R. Menard and Others

ARTICLE 19 – TERM LIMITS

We the registered voters of Fairhaven petition the town meeting to vote on the Article to see if the Town shall vote to adopt a by law to be enacted immediately, commencing with the spring election of 2013, and to take any other action relative thereto, as follows: The term for any elected town official shall be limited to a maximum of two consecutive terms. The total length

of service for any elected official shall not exceed six years in any particular office. Any elected official who has already served a maximum term of six years in any particular office, at the time such by-law is enacted, shall be prohibited from further serving in the same position, for an additional term after the expiration of his/her current term of office.

Petitioned by: Joyce Pottel and Others

ARTICLE 20 – PUBLIC MEETING MINUTES – 48 HOURS

We the registered voters of the Town of Fairhaven petition the town meeting to vote on the following article: All approved public meeting minutes shall be available to the public on the town website and at a public place (i.e. town hall, library) for viewing within 48 hours of approval by corresponding board/committee. All video documentation of meetings will be available for viewing at a public location free of charge during regular business hours. Or take any other action relative thereto.

Petitioned by: Joyce Pottel and Others

ARTICLE 21 – ELECTED APPEALS BOARD

We the registered voters of the Town of Fairhaven petition the town meeting to vote on the Article to To see if the Town shall vote to adopt a by law to be enacted immediately, commencing with the spring election of 2013, and to take any other action relative thereto, as follows: The Appeals Board will be an elected board with the same responsibilities as currently exist. The terms of office to be three years.

Petitioned by: Joyce Pottel and Others

ARTICLE 22 – RECALL PETITIONS

We the registered voters of the Town of Fairhaven petition the town meeting to vote on the Article to see if the Town shall vote to amend the current town by law §A502-4, Chapter 516, section 2 on Recalling Town Officials which shall have immediate effect, and to take any other necessary action relative thereto. That the last sentence of this section shall be amended to read: “The recall petitions shall be returned and filed in the office of the Town clerk within thirty days following the date the petitions were issued, signed by at least 10 (ten) percent of the total number of registered voters duly recorded on the registration list of the Town clerk as the preceding Town election.”

Petitioned by: Ken Pottel and Others

ARTICLE 23 – WIND TURBINES

We the registered voters of the Town of Fairhaven petition the town meeting to vote on the Article Out of concern and research which shows that the construction of two turbines in Fairhaven will cause due harm to the health and safety of its residents we ask the town meeting to vote to immediately take all actions necessary to stop and suspend the construction,

installation, and operation, of two wind turbines on land located within Assessors Map 28 Lots 8, 8A and 9, and to take all actions relative thereto to suspend any contracts for such construction, installation and operation of two wind turbines at said location, and further that all necessary action be taken to return the land at the subject location, to its natural state as existed prior to the commencement of construction.

Petitioned by: Ken Pottel and Others

ARTICLE 24 – RIVER ROAD DISCONTINUANCE

To see if the Town will vote to discontinue the following described portion of River Avenue as a Town Way:

Beginning at a point in the northerly sideline of Howland Road said point being the southeast corner of that portion of River Avenue to be discontinued shown on a plan hereinafter referred to:

THENCE, N 00° 02' 14" W, in the easterly sideline of River Avenue two hundred nineteen (219) feet;

THENCE, by a curve in the easterly sideline of River Avenue having a radius of four hundred sixty and 90/100 (460.90) a distance of fifty and 70/100 (50.70) feet;

THENCE, S 89° 57' 46" W, sixty-two and 79/100 (62.79) feet, more or less;

THENCE, S 00° 02' 14" E, two hundred sixty-nine and 60/100 (269.60) feet to the northerly sideline of Howland Road;

THENCE, N 89° 57' 46" E, sixty (60) feet, more or less, to the point of beginning.

Containing 16,223 square feet, more or less, and being shown as 'Existing 60' Wide Public Way to be Discontinued' on a plan entitled "Discontinuance of a Portion of River Avenue, prepared for Nye Lubricants, Inc., by G.A.F. Engineering, Inc."

Or to take any further action relative thereto.

Petitioned by: Nye Lubricants, Inc. and Others

ARTICLE 25 – CULTURAL COUNCIL FUNDING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Fairhaven Cultural Council, or to take any other action thereto.

Petitioned by: Fairhaven Cultural Council

ARTICLE 26 – I&I – SEWER SYSTEM COLLECTION REHABILITATION

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to rehabilitate the sewer collection system by investigation and repairs to areas of the sewer collection system contributing high volumes of inflow and infiltration or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 27 – ROAD WORK

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to do the following roadwork, or take any other action relative thereto:

- A. Dogwood Street – Reconstruct hard surface and install drainage on Dogwood Street from Causeway Road to Fisherman Road.

Petitioned by: The Board of Public Works

- B. Dogwood Street – Reconstruct hard surface and install drainage on Dogwood Street from Causeway Road to Gull Island Road.

Petitioned by: Robert Hobson and Others

- C. Pleasant Street – Reconstruct hard surface on Pleasant St. from Church St. to South St.

Petitioned by: The Board of Public Works

- D. Wayne Street – Reconstruct and Triple Stone Seal, Wayne St. from Sconticut Neck Road easterly to the end.

Petitioned by: The Board of Public Works and Others

ARTICLE 28 – WASTEWATER MANAGEMENT PLAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for a Comprehensive Wastewater Management Plan; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto. Some of the key items that will be addressed in the CWMP include:

- Projection of wastewater flows
- Update of Town-wide Sewer Plan
- Wastewater Treatment Alternatives Analyses to address the Town's needs as well as request from Mattapoisett for more capacity
- Wastewater Treatment Facility rehabilitation, expansion and upgrade
- Update of Town-wide Infiltration/Inflow removal program

- Upgrades and expansion of wastewater collection system and pumping stations
- Update of the Intermunicipal Agreement with Mattapoisett

Petitioned by: Board of Public Works

ARTICLE 29 – BOSTON HILL WATER TANK

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to rehabilitate the Boston Hill Water Tank or take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 30 – RECREATION CENTER AND COA PARKING LOT PAVING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to repair the pavement at the Recreation Center/Senior Center Parking Lot, or to take any other action relative thereto.

Petitioned by: Recreation Center/Senior Center

ARTICLE 31 – TOWN HALL REPAIRS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for Town Hall repairs, including the auditorium, or take any other action relative thereto.

Petitioned by: The Board of Selectmen

ARTICLE 32 – WASTEWATER TREATMENT PLANT REHABILITATION

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to rehabilitate the aeration and treatment system at the Wastewater Treatment Plant or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 33 – PROPAGATION OF SHELLFISH

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

Petitioned by: The Board of Selectmen

ARTICLE 34 – SEWER COLLECTION SYSTEM PUMP STATION REHABILITATION

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to rehabilitate the Taber Street and South Street Sewer Pump Stations; or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 35 – MATTAPOISETT RIVER VALLEY WATER PROTECTION

To see if the Town will vote, pursuant to Chapter 384 of the Acts of 2010, to authorize the Mattapoisett River Valley Water Supply Protection Committee to modify the fee it currently charges to the Town, in the amount of \$.01 per 100 gallons, according to the following schedule:

<u>Term</u>	<u>Fee (per 100 gallons)</u>
July 1, 2013 to June 30, 2014	\$.012
July 1, 2014 to June 30, 2015	\$.014
July 1, 2015 to June 30, 2016	\$.016
July 1, 2016 to June 30, 2017	\$.018
On and after July 1, 2017	\$.02

And provided further that this authorization shall be void, and of no effect, unless the same modification schedule is approved by vote of the Town Meeting of each of the Towns of Fairhaven, Marion and Mattapoisett, no later than June 30, 2012, or to take any other action thereon. **(2/3 vote required to pass)**

Petitioned by: Mattapoisett River Valley Water Supply Protection Committee

ARTICLE 36 – MACOMBER PIMENTAL FIELD

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to finish the installation of fencing at Macomber Pimental Field, or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 37 – HIGH SCHOOL MASONRY REPAIR

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for the masonry repair of the south elevation of the Fairhaven High School, 12 Huttleston Avenue, Fairhaven, Massachusetts, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the

Town may receive from the MSBA for the Project shall not exceed the lesser of (1) ___ percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Petitioned by: The School Committee

ARTICLE 38 – SCHOOL DEPARTMENT DUMP TRUCK

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of forty two thousand four hundred and fifty-two dollars (\$42,452.00) to purchase a 2012 Chevrolet dump body truck.

Petitioned by: The School Committee

ARTICLE 39 – SPECIAL NEEDS EARLY CHILDHOOD PROGRAM REVOLVING ACCOUNT

To see if the Town will authorize a “Special Needs Early Childhood Program Revolving Account” under provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

1. The Special Needs Early Childhood Program Revolving Account may be used to collect and disburse funds for the nurturing, care, and education of young children enrolled in such program.
2. The Special Needs Early Childhood Revolving Account may be expended for all school related costs for the public school’s Special Needs Early Childhood programs including, but not limited to, transportation, the purchase of equipment and supplies and the hiring of full-time and/or part-time personnel.
3. All tuition, receipts, and enrollment fees charged for the participation in the Special Needs Early Childhood Program shall be credited to the Special Needs Early Childhood Revolving Account.
4. The School Committee is authorized to expend from the fund.
5. The total amount which may be expended from the fund in Fiscal Year 2013 shall not exceed \$50,000.

Petitioned by: The School Committee

ARTICLE 40 – NON-MANDATED STUDENT ACTIVITIES REVOLVING ACCOUNT

To see if the Town will authorize a “Non-Mandated Student Activities Revolving Account” under provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

1. The revolving account may be expended for all school related costs for the non-mandated school activities.
2. All fees charged to users for “School Activities” shall be credited to the revolving account.
3. The School Committee is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2013 shall not exceed two hundred thousand (\$200,000.00) dollars.

Or take any other action relative thereto.

Petitioned by: The School Committee

ARTICLE 41 – ANIMAL CONTROL VAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase an Animal Control Van, or to take any other action relative thereto.

Petitioned by: Animal Control Officer

ARTICLE 42 – COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS

To see is 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 FY13 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 2013 COMMUNITY PRESERVATION BUDGET	
APPROPRIATIONS	
Purpose	Recommended Amounts
Reserve for Future Appropriation –	
A. Acquisition, creation, and preservation of Community Housing, and its rehabilitation and restoration.	\$ 40,000
B. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration.	\$ 40,000
Spending Appropriations –	
C. Fairhaven Town Hall – Town Hall Exterior Restoration Project Phase IV	\$ 70,000

D. Millicent Library – Exterior Envelope Restoration Project	\$ 87,000
E. Fairhaven High School – Exterior Restoration Project Phase II	\$ 173,000
F. Fairhaven Historical Commission – Academy Building North Facade	\$ 5,000
G. Fairhaven Historical Commission – Fire Museum Exterior Restoration Project	\$ 5,000
Administrative Spending Appropriation	
H. 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	\$ 432,600

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 2013 Community Preservation Fund Estimated Receipts the minimum necessary amounts to allocate not less than 10% (\$40,000) for open space, not less than 10% (\$40,000) for historic preservation, and not less than 10% (\$40,000) for community housing.

Or take any other action relative thereto.

Petitioned by: The Community Preservation Committee

ARTICLE 43 – STREET ACCEPTANCE – BRIDGE ST. & MILL RD. ALTERATION

To see if the Town will vote to authorize the Board of Selectmen to accept by gift or take by eminent domain or in any other manner acquire, upon such terms and conditions as the Board of Selectmen deemed advisable, the necessary and appropriate property interest in the following described parcels of land for the purposes of alteration and widening of Bridge Street and Mill Road as public ways; the construction of pedestrian sidewalks thereon; and to accept and take by eminent domain or in any other manner acquire temporary construction easements adjacent to the parcels hereinafter described for the following purposes aforementioned. The parcels of land being described as follows:

Mill Road Layout Alteration: Beginning at a point on the northerly location line of the 1866 Town Layout of Bridge Street said point being at the dividing line of the westerly location line of the 1949 Town Layout of Mill Road and the 1866 Town Layout of Bridge Street;

THENCE S 38°07'03"W a distance of 9.47 feet along said location line of Bridge Street to a point;

THENCE N 51°52'57"W a distance of 5.00 feet to a point;

THENCE by a curve to the left having a radius of 60.00 feet, a distance of 70.65 to a point;

THENCE N 29°20'57"E a distance of 140.71 feet to a point;

THENCE N 60°39'03"E a distance of 12.00 feet to a point on the westerly location line of the 1949 Town Layout of Mill Road;

THENCE S 29°20'57" E, a distance of 140.00 feet along said location line of Mill Road to a point; thence by a curve to the right having a radius of 62.17 feet a distance of 72.90 feet to the point of beginning containing about 2,379 square feet.

Shown as Parcel A on a plan entitled, "Plan Showing Alteration of Mill Road and Bridge Street", Sheet 1 of 1, prepared by Field Engineering Co., Inc. dated January 19, 2012.

Bridge Street Alteration: Beginning at a point on the northerly location line of the 1866 Town Layout of Bridge Street said point being S 38°07'03"W a distance of 9.47 feet from a point at the dividing line of the westerly location line of the 1949 Town Layout of Mill Road and the 1866 Town Layout of Bridge Street;

THENCE S 38°07'03"W a distance of 1071.31 feet along said location line of Bridge Street to a point;

THENCE N 51°52'57"W a distance of 5.00 feet to a point;

THENCE N38°07'03"E, a distance of 1071.31 feet to a point;

THENCE S 51°52'57"E, a distance of 5.00 feet to the point of beginning containing about 5,086 square feet.

Shown as Parcels B and C on a plan entitled, "Plan Showing Alteration of Mill Road and Bridge Street", Sheet 1 of 1, prepared by Field Engineering Co., Inc. dated January 19, 2012 and as described below.

PARCEL B

Beginning at a point on the northerly location line of the 1866 Town Layout of Bridge Street said point being at the dividing line of land N/F Millbridge Holdings, LLC, Lot 11A and land N/F Millbridge Holdings, LLC, Lot 15J;

THENCE N 30°30'20"W by said dividing line a distance of 5.37 feet to a point;

THENCE N 38°07'03"E a distance of 865.50 feet to a point;

THENCE S 51°52'57"E, a distance of 5.00 feet to a point on the northerly location line of the 1866 Town Layout of Bridge Street;

THENCE S 38°07'03"W a distance of 867.46 feet along said location line of Bridge Street to the point of beginning containing about 4,332 square feet more or less.

PARCEL C

Beginning at a point on the northerly location line of the 1866 Town Layout of Bridge Street said point being at the dividing line of land N/F Millbridge Holdings, LLC, Lot 11A and land N/F Millbridge Holdings, LLC, Lot 15J;

THENCE S 38°07'03"W a distance of 149.85 feet along said location line of Bridge Street to a point;

THENCE N 51°52'57"W a distance of 5.00 feet to a point;

THENCE N 38°07'03"E, a distance of 151.81 feet to a point on the dividing line of land N/F Millbridge Holdings, LLC, Lot 11A and land N/F Millbridge Holdings, LLC, Lot 15J;

THENCE S 30°30'20"E along said dividing line a distance of 5.37 feet to the point of beginning containing about 754 square feet more or less.

Or to take any other action relative thereto.

Petitioned by: Linda Saunders and Others

ARTICLE 44 – HAZARDOUS MATERIALS REVOLVING FUND

To see if the Town will re-authorize a "Hazardous Materials Revolving Account" under the provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

1. The revolving account may be expended for the establishment of a 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.
2. All fees charged to users of the Hazardous Materials Clean-up Account shall be credited to the revolving fund.
3. The Fire Chief is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2013 shall not exceed one hundred thousand (\$100,000.00) dollars.

Petitioned by: Fire Chief

ARTICLE 45 – HOPPY'S LANDING REVOLVING ACCOUNT

To see if the Town will authorize a "Hoppy's Landing Revolving Account" under the provisions of Massachusetts General Law Chapter 44 Section 53 E ½ under the following terms:

1. The revolving account may be expended for the maintenance and improvement of "Hoppy's Landing" including, but not limited to the maintenance of the floating dock, boat ramp, buildings, property, matching funds for grants, and hiring of part time personnel.
2. All fees charged to users to "Hoppy's Landing" shall be credited to the revolving fund.
3. The Board of Selectmen is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2013 shall not exceed twenty five thousand (\$25,000.00) dollars.

Petitioned by: The Board of Selectmen

ARTICLE 46 – MATCH GRANT – RADIOS AND RADIO SYSTEM

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund a five (5) percent FEMA Matching Grant to upgrade the Fire Department’s radios and radio system to meet the January 2013 FCC’s narrow radio band requirements or to take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 47 – FCC NARROW BAND RADIO UPGRADE

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to upgrade the Fire Department’s radios and radio system to meet the January 2013 FCC’s narrow radio band requirements. (These funds will not be needed if the FEMA grant is received), or to take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 48 – BPW TWO-WAY RADIO UPGRADE

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase, install and program Board of Public Works two-way radios to be in compliance with the Federal Communications Commission Narrow banding mandatory January 1, 2013 deadline or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 49 – NEW AMBULANCE

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase a new ambulance to replace the Town’s ten (10) years old ambulance or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 50 – RESCIND CUSHMAN PARK EASEMENT

Proposal to Rescind Easement in Cushman Park:

- A. To see if the Town will vote to authorize the Select Board to rescind an easement with quit claim covenants, the perpetual right to locate in Cushman Park as voted at Special Town Meeting November 16, 1995 Article #1 and to reclaim for the Town of Fairhaven the thirty (30) foot by forty (40) foot easement parcel of land on the northeasterly corner of grantors land (Cushman Park) abutting Bridge Street and require the property be replaced to its original state, granted to the New England Telephone and Telegraph Company, now known as Verizon.

- B. The original granted land is shown as Lot 61 on the Town of Fairhaven assessors map page 11. Said easement parcel is more specifically described in plan book 134 page 65. For little reference, see instrument of taking dated March 20, 1904 recorded in Public Improvement book 1 page 77 and the plan of taking shown in plan book 2 page 65 dated October 25, 1905 at the Bristol County (SD) Registry of Deeds.
- C. To quote from original deed in part, Henry H. Rogers and Emilie R. Rogers to the people of Fairhaven on July 29, 1908. It is recorded with said land records dated June 25, 1903 in book 229 page 420 to have and hold to the said Town of Fairhaven, its successors and assigns forever as a public park under the provisions of the laws of the Commonwealth of Massachusetts now or hereafter enacted relating to parks owned or maintained by municipalities.
- D. Due to the lack of information presented in article #1, dated November 16, 1995, and according to the original deed, a quit claim covenant is illegal.

Petitioned by: Albert F. Benac and Others

ARTICLE 51 – TRANSFER FROM SURPLUS REVENUE

To see if 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 52 – 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.

ARTICLE 53 – OTHER BUSINESS

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