

**ANNUAL TOWN MEETING – SATURDAY, MAY 5, 2018**  
**WALTER SILVEIRA AUDITORIUM – ELIZABETH HASTINGS MIDDLE SCHOOL**  
**TOWN MEETING MEMBERS PRESENT 200 – QUORUM REQUIRED 100**

Meeting called to order by Moderator at 9:00 A.M.

The National Anthem was played

Invocation by Rev Paul Wheeler - Trinity Lutheran 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, 2018 through June 30, 2019 unless otherwise specified. Seconded.

Town Meeting Members Present:

Precinct 1 – 44
Precinct 2 – 29
Precinct 3 – 14
Precinct 4 – 34
Precinct 5 – 45
Precinct 6 – 34
<b>TOTAL 200</b>

**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 – SEWER CAPITAL FEE – FY18**

Voted to transfer the sum of \$286,082.64 from the Sewer Retained Earnings, of June 30, 2017 Sewer Capital Fee, to the Sewer Capital Improvement Stabilization Fund.

**ARTICLE 5: AMENDED FY18 GENERAL FUND OPERATING BUDGET**

By majority vote, it was voted to amend Article 19 of the May 6, 2017 Annual Town Meeting “General Fund Operating Budget- FY18” or take any other action relative thereto.

1. \$7,600 be transferred from Surplus Revenue (Free Cash) to Planning and Economic Development- Salaries and Wages.
2. \$30,000 be transferred from Surplus Revenue (Free Cash) to Police Department- Salaries and Wages
3. \$20,000 be transferred from Surplus Revenue (Free Cash) to Fire Department-Salaries and Wages
- 4) \$15,000 be transferred from Surplus Revenue (Free Cash) to Fire Department- Operating Expenses.
- 5) \$1,106 be transferred from Surplus Revenue (Free Cash) to Bristol County Aggie H.S.
- 6) \$8,063 be transferred from Surplus Revenue (Free Cash) to BPW Park Division- Operating Expenses.

**ARTICLE 6: AMENDED FY18 WATER ENTERPRISE FUND OPERATING BUDGET**

*Moved to Pass Over*

**ARTICLE 7: AMENDED FY18 SEWER ENTERPRISE FUND OPERATING BUDGET**  
*Moved to Pass Over*

**ARTICLE 8: BILLS OF PRIOR YEAR – Paid from FY18 funds**

By 4/5<sup>th</sup> vote, the town voted to adopt the following:

- A. Southcoast Physicians Group, Move adoption and the sum of \$5,795.88 be transferred from Surplus Revenue (Free Cash)
- B. Dr. Brian Bowcock, Move the adoption and the sum of \$125.20 to be transferred from Surplus Revenue (Free Cash)
- C. University Pathologists, Move the adoption and the sum of \$43.26 to be transferred from Surplus Revenue (Free Cash)
- D. Associate Physicians at HMFP, Move the adoption and the sum of \$113.24 to be transferred from Surplus Revenue (Free Cash)
- E. Associate Physicians at BIDMC, Move the adoption and the sum of \$96.25 to be transferred from Surplus Revenue (Free Cash)
- F. Wiegandt and Associates, Move the adoption and the sum of \$175.00 to be transferred from Surplus Revenue (Free Cash)
- G. New England Animal Hospital, Inc., Move the adoption and the sum of \$3,033.69 to be transferred from Surplus Revenue (Free Cash)

**ARTICLE 9: SETTING SALARIES OF TOWN OFFICERS-FY19**

By majority vote, it was voted to adopt the following:

- A. Board of Selectmen: Move adoption and fix the compensation at \$16,717.00
- B. Town Clerk: Move adoption and fix the compensation at \$56,775.00
- C. Moderator: Move adoption and fix the compensation at \$800.00
- D. Tree Warden: Move adoption and fix the compensation at \$7,177.00
- E. Board of Health: Move adoption and fix the compensation at \$4,308.00

**ARTICLE 10: GENERAL FUND OPERATING BUDGET – FY19**

By majority vote, the following sums of money was voted to fund the FY19 General Fund Operating Budget:

Moderator – Salaries & Wages	\$800.00
Selectmen/Town Administrator	
Salaries & Wages	\$275,698.00
Operating Expenses	\$44,013.00
Human Resources	
Salaries & Wages	\$111,566.00
Operating Expenses	\$23,750.00
Town Accountant	
Salaries & Wages	\$124,370.00
Operating Expenses	\$45,830.0
Finance Director (Treasurer/Collector)	
Salaries & Wages	\$344,494.00
Operating Expenses	\$139,270.00
Town Clerk/Elections	
Salaries & Wages	\$135,508.00
Operating Expenses	\$33,206.00
Assessors	
Salaries & Wages	\$155,502.00
Operating Expenses	

Town Hall		
Salaries & Wages	\$58,107.00	
Operating Expenses	\$66,792.00	
Town Meeting/Finance Committee		
Salaries & Wages	\$1,088.00	
Operating Expenses	\$7,715.00	
Planning Board		
Salaries & Wages	\$3,264.00	
Operating Expenses	\$3,905.00	
Planning & Economic Development		
Salaries & Wages	\$109,385.00	
Operating Expenses	\$15,726.00	
Economic Development Committee	\$8,000.00	
Board of Appeals		
Salaries & Wages	\$2,623.00	
Operating Expenses	\$3,800.00	
Legal Expenses	\$170,000.00	
Conservation Comm/Sustainability		
Salaries & Expenses	\$56,375.00	
Operating Expenses	\$6,120.00	
Buzzards Bay Action Committee	\$1,520.00	
<b>PUBLIC SAFETY</b>		
Police Department/Animal Control		
Salaries & Wages	\$3,491,654.00	
Operating Expenses	\$347,451.00	Transfer \$6,000 from the Animal Account and \$341,451 on the Tax Levy
Fire Department		
Salaries & Wages	\$2,277,233.00	Transfer \$1,050,000 from Ambulance RRA and \$1,227,233 on the Tax Levy
Operating Expenses	\$249,406.00	
Building Department		
Salaries & Wages	\$164,788.00	
Operating Expenses	\$6,458	
Marine Resources		
Salaries & Wages	\$127,259.00	Transfer \$79,500 from Waterways Fund RRA and \$47,759 on the Tax Levy
Operating Expenses	\$43,505.00	
Emergency Management Agency		
Salaries & Wages	\$1,803.00	
Operating Expenses	\$24,204.00	
Sealers of Weights & Measures		
Salaries & Wages	\$7,000.00	
Operating Expenses	\$998.00	
Street Lighting	\$51,000.00	

**EDUCATION**

Fairhaven Public Schools	\$20,383,354.00
GNBRVT High School	\$1,956,485.00
Bristol County Aggie HS	\$40,000.00

**PUBLIC WORKS**

## Administration

Salaries & Wages	\$185,797.00
Operating Expenses	\$2,816.00

## Highway Division

Salaries & Wages	\$1,006,557.00
Operating Expenses	\$1,205,799.00

Transfer \$10,000 from Sub-Division Mgt Fees RRA and \$1,195,799 on the Tax Levy

Snow & Ice Removal	\$60,000.00
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## Tree Warden Department

Salaries & Wages	\$38,664.00
Operating Expenses	\$26,205.00

**HEALTH & HUMAN SERVICES**

## Board of Health

Salaries & Wages	\$136,509.00
Operating Expenses	\$652,560.00

## Council on Aging

Salaries & Wages	\$149,581.00
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Transfer \$36,000 from Social Day Care Center RRA and \$113,581 on the Tax Levy

Operating Expenses	\$35,151.00
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## Veterans Services

Salaries & Wages	\$73,023.00
Operating Expenses	\$792,100.00

## Commission on Disability

\$1,300.00

## Rape Crisis Project

\$2,000.00

**CULTURAL & RECREATION**

## Millicent Library

\$669,283.00

## Recreation

Salaries & Wages	\$164,992.00
Operation Expenses	\$164,700.00

## Park Division

Salaries & Wages	\$103,079.00
Operating Expenses	\$26,319.00

## Office of Tourism

Salaries & Wages	\$58,953.00
Operating Expenses	\$24,155.00

## Fine Arts

\$1,200.00

## Historical Commission

\$14,750.00

## Memorial Day

\$2,500.00

## Consolidated Information Technology

\$426,397.00

**NON-DEPARTMENTAL**

Contributory Retirement	\$3,079,385.00
Group Insurance	\$3,956,977.00
MA Employment	\$115,000.00
Town Insurance	\$880,000.00
Medicare Assessment (Employer Share)	\$398,000.00

**DEBT SERVICES**

Principal	\$873,294.00	Transfer \$84,000 from Overlay Surplus, transfer \$20,000 from Title 5 RRA and \$769,294 on the Tax Levy
Interest	\$284,074.00	
Principal Authorized but not issued	\$100,000.00	
Interest Authorized but not issued	\$32,375.00	
Interest on Tem Loans	\$60,000.00	

**APPROPRIATIONS TO RESERVE**

Reserve Fund	\$100,000.00
O(ther) P(ost) E(mployment) B(enefits)	\$200,000.00
Wage & Salary Reserve	\$150,000.00
Cola for non-union employees	\$5,634.00

That \$442,211 of the Water Enterprise costs appropriated in the General Fund for health insurance, pensions, employee benefits and shared employees will be funded and transferred from Water Revenue.

That \$580,590 of the Sewer Enterprise costs appropriated in the General Fund for health insurance, pensions, employee benefits and shared employees will be funded and transferred from Sewer Revenue

**ARTICLE 11: WATER ENTERPRISE FUND OPERATING BUDGET – FY19**

By majority vote, it was voted to move the sum of \$556,200 for Water Salaries and Wages; \$409,401 for Water Expenses; \$1,209,797 for Water District; \$442,211 for Water Indirect Costs (to cover the costs in the General Fund); \$50,000 for Water Reserve Fund; \$46,888 for Water Debt; and \$13,921 for Water Interest on Debt for a total of \$2,278,418 to be appropriated from the Water Enterprise.

**ARTICLE 12: SEWER ENTERPRISE FUND OPERATING BUDGET – FY19**

By majority voted, it was voted **to move** the sum of \$993,698 for Sewer Salaries and Wages; \$1,197,525 for Sewer Expenses; \$580,590 for Sewer Indirect Costs (to cover the costs in the General Fund), \$50,000 for Sewer Reserve Fund, \$270,671 for Sewer Debt (principal), \$62,892 for Sewer Interest on Debt; and \$676,500 for Authorized but unissued debt for a total of \$3,831,876 of which , \$3,185,185 be appropriated from the Sewer Enterprise, \$614,459 be transferred from Sewer Retained Earnings, and \$32,232 be transferred from Sewer Betterment Stabilization Fund as follows: \$13,895 from Sewer Betterment Stabilization Fund – West Island; \$3,179 from Sewer Betterment Stabilization Fund – Boulder Park; \$2,605 from Sewer Betterment Stabilization Fund – Nancy Street; and \$12,553 from Sewer Betterment Stabilization Fund – Sconticut Neck Road.

**ARTICLE 13: FEMA GRANT FOR MOBILE RADIOS – 5% MATCH – FY19**

*Moved to Pass Over*

**ARTICLE 14: GENERAL FUND CAPITAL PLAN (FY19)**

By 2/3rds vote, it was voted that the Town appropriate \$1,565,190.62 to pay the costs of the following Capital Equipment/Projects in the General Fund including the payment of all costs incidental and related thereto:

A. BPW- Loader 963 (final payment of Lease/Purchase):	\$143,190.62
B. Fire- Hydraulic Rescue Equipment:	\$32,000.00
C. Information Tech.- Fiber Optic Connectivity Project (Combined with \$275,000 from PEG Cable Access T.V.- not subject to appropriation)	\$155,000.00
D. Information Tech- Hardware Equipment Replacement	\$ 30,000.00
E. Police- Two Patrol Vehicles	\$90,000.00
F. BPW-Vehicle	\$30,000.00
G. Selectmen/Town Adm.-Preserve & Restore Rogers School	\$252,000.00
H. Fire-Radio Communication Repeater	\$ 64,000.00
I. School-High School Gym Dehumidification Project	\$283,000.00
J. BPW-Security Camera System	\$20,000.00
K. COA/Recreation-Replace HVAC system at Senior/Rec. Center	\$200,000.00
L. Police-Live Scan Finger Print Machine	\$25,000.00
M. BPW- Replace 2000 Ford Van-Unit #13 w/ Pick Up Truck	\$55,000.00
N. BPW-Replace 1986 Bobcat-Unit #23 w/Same	\$72,000.00
O. BPW-Replace Ford Tractor-Unit #1920 w/Same	\$44,000.00
P. BPW-Parking at Livesey Park	\$70,000.00

And that to meet this appropriation \$711,190 shall be transferred from Surplus Revenue/Free Cash, \$216,000 be transferred from Overlay Reserve, and to pay costs of the Fiber Connectivity for all Town Departments Project, Fairhaven High School Gymnasium Dehumidification Project and the COA/Recreation-Replace HVAC system at Senior/Rec Center, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$638,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of therefor and any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

#### **ARTICLE 15: ROADWORK – FY19**

By majority vote, the sum of \$350,000 to be appropriated from surplus revenue (Free Cash) and that the Board of Public Works is authorized to expend these funds in aggregate without regards to individual line items so long as the expenditures do not exceed the amount so appropriated.

A) Hope Avenue

C) Bluepoint Road

D) Ebony Street

**A. Hope Avenue – Reconstruct, hard-surface and install drainage on Hope Avenue from Adams Street to Francis Street.**

B. Billy's Way – Reconstruct and hard-surface Billy's Way from Sconticut Neck Road westerly approximately 600 feet.

**C. Bluepoint Road – Reconstruct, hard-surface and install drainage on Bluepoint Road from Almond Street to Fir Street.**

**D. Ebony Street – Reconstruct, hard-surface and install drainage on Ebony Street from Causeway Road southerly approximately 350 feet, with the removal of the 300 foot limitation**

E. Ebony Street – Reconstruct, hard-surface and install drainage on Ebony Street from Causeway Road to Gull Island Road approximately 2000 feet.

F. Fir Street – Reconstruct, hard-surface and install drainage on Fir Street from Causeway Road to Blue Point Road a distance of approximately 1000 feet, more or less

G. Gifford Street– Reconstruct and hard-surface Gifford Street from Farmfield Street to Gifford Street.

**ARTICLE 16 – STATE AID TO HIGHWAYS – FY19**

- A. By majority vote, it was voted 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. Also voted to appropriate and transfer from available funds a sum of money estimated to be \$519,997 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.

**ARTICLE 17: FUNDING CAPITAL STABILIZATION FUND – FY19**

By majority vote, it was voted the sum of \$841,217 in Surplus Revenue (Free Cash) and the sum of \$341,410 from reimbursement from the state for school capital projects, be deposited in the Capital Stabilization Fund as authorized by Chapter 40, Section 5B of the General Laws

**ARTICLE 18: AMBULANCE STABILIZATION – FY19**

By majority vote, the sum of \$50,000 be appropriated from the Ambulance Receipts Reserved for Appropriation to the Ambulance Stabilization Fund.

**ARTICLE 19: WATER ENTERPRISE CAPITAL PLAN – FY19**

By majority vote, the town voted to appropriate the sum of \$285,000 from Water Enterprise Retained Earnings to pay the costs of the following Capital Equipment/Projects, including the payment of all costs incidental and related thereto:

A. Fiber Optic Connectivity Project (Water Ent. portion):	\$40,000
B. New Dump Truck	\$75,000
C. Water Rate Software	\$20,000
D. Meter Evaluation	\$150,000

and moved additionally that the Board of Public Works is authorized to expend these funds in aggregate without regards to individual line items so long as the expenditures do not exceed \$285,000 in Water Enterprise Fund Retained Earnings.

**ARTICLE 20: SEWER ENTERPRISE CAPITAL PLAN – FY19**

By 2/3rds vote, the town voted to appropriate \$981,000 in the Sewer Enterprise Fund to pay the costs of the following Capital Equipment/Projects including the payment of all costs incidental and related thereto:

A. Fiber Optic Connectivity Project (Sewer Ent. Portion):	\$35,000
B. Treatment Plant Nitrogen Removal Upgrade Planning Studies	\$180,000
C. West Island Treatment Plant Improvements	\$700,000
D. Pump Replacement at Abby Pump Station	\$30,000
E. Replacement of Portable Pump Station	\$36,000

And that to meet this appropriation \$281,000 shall be transferred from Sewer Enterprise Retained Earnings, and to pay costs of the West Island Treatment Plant Improvements, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$700,000 under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of therefor and any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount and moved additionally that the Board of Public Works is authorized to expend these funds in aggregate without regards to individual line items so long as the expenditures do not exceed \$281,000 in Sewer Enterprise Fund Retained Earnings and \$700,000 in borrowing.

**ARTICLE 21: COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS -FY19**

By 2/3rds vote, the Town voted to appropriate or reserve from the Community Preservation Fund annual revenues or available funds the amounts recommended by the Community Preservation Committee for community preservation projects, committee’s administrative expenses, and other expenses in Fiscal Year 2019, with each item to be considered a separate appropriation.

- A. Move Adoption and to Reserve for future appropriations \$45,000 from estimated FY19 receipts for acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration.
  - B Move Adoption and to appropriate \$40,000 from FY19 Estimated Receipts for the Fairhaven Housing Authority – Green Meadows Window Replacement Project.
  - C. Move adoption and to appropriate \$150,000 from FY19 estimated Receipts for the Stratford Capital Group – Oxford School Residences provided that all other funding necessary to close on the project has been obtained and is in place.
  - D. Move Adoption and to appropriate \$15,000 from FY19 Estimated Receipts for the Board of Selectmen – Town Hall Handicap Door Openers.
  - E. Move Adoption and to appropriate \$86,000 from FY19 Estimated Receipts for the Library – Exterior Window Restoration Project.
  - F. Move Adoption and to appropriate \$2,000 from FY19 Estimated Receipts for the Historical Commission – Fire Museum – Gutter Project.
  - G. Move Adoption and to appropriate \$7,000 from FY19 Estimated Receipts for the Historical Commission – Old Stone School – Roof Project.
  - H. Move Adoption and to appropriate \$18,500 from FY19 Estimated Receipts for the Bell Committee – Revere Bell Restoration & Permanent Display Project
- NOTE: By show of hands, Section H was defeated– 89 against and 88 for,**
- I. Move Adoption and to appropriate \$92,000 with \$6,500 from FY19 Estimated Receipts and \$85,500 from Existing Fund Balance for the Board of Selectmen – Library Sidewalk –Walnut Street Project.
  - J. Move Adoption and to appropriate \$7,500 from FY19 Estimated Receipts for the Recreation Center/Wellness Committee – Bike Path Fitness Stations
  - K. Move Adoption and to appropriate \$13,500 from FY19 Estimated Receipts for administrative services and operating expenses provided in support of the Community Preservation Committee.

**ARTICLE 22: REVOLVING FUNDS – FY19**

By majority vote, the town voted to authorize and/or re-authorize the following Revolving Accounts under the provisions of Massachusetts General Law Chapter 44, Section 53 E1/2 under the following terms:

Revolving Fund	Authorized to Spend	Revenue Source	FY18 Limit
Hazardous Materials	Fire Chief	Disposal fees/charges	\$ 100,000
Sustainability	Sustainability/ Green Committee	Fees/charges	\$ 10,000
Hoppy's Landing	Board of Selectmen or Town Administrator	Fees/charges from users of Hoppy's Landing	\$ 25,000
Town Hall Auditorium	Town Administrator	Town Hall auditorium rental fees	\$ 2,000



Park Utilities	Board of Public Works	User fees	\$ 2,000
Wellness	Wellness Committee	Fees, BCBS reimbursements , vendors	\$ 2,500

**ARTICLE 23: SOCIAL DAY CARE CENTER – FY19**

By majority vote, the town voted to authorize the Fairhaven Council on Aging to expend in the Fiscal Year 2019 a sum of money not to cumulatively exceed \$160,000.00 from the Fairhaven Supportive Social Day Program Special Revenue Fund for the purpose of providing a Social Day Program for Senior Citizens or take any other action relative thereto.

**ARTICLE 24: PROPAGATION OF SHELLFISH-FY19**

By majority vote, the town voted an amount not to exceed \$20,000.00 from available funds for the propagation of shellfish, or take any other action relative thereto.

**ARTICLE 25: MAINT TO ROGERS AND OXFORD SCHOOL BUILDINGS – FY19**

By majority vote, the town voted the sum of \$8,000 be raised on the Tax Levy to maintain the vacant Rogers and Oxford Schools, including repairs, electricity, telephone, security, alarms, and any other associated costs or take any other action relative thereto.

**ARTICLE 26: CULTURAL COUNCIL FUNDING – FY19**

By majority vote, the town voted the sum of \$2,500 be raised on the Tax Levy.

**ARTICLE 27: WATERWAYS RULES AND REGULATIONS FUNDING – FY19**

By majority vote, the town voted the sum of \$10,000 be transferred from the Waterway's Fund to cover the cost of hiring a consultant to review the town's existing by-laws and regulations governing moorings, docking, landings, revenue sources, aquaculture, policing, environmental protection and other governing documents and to recommend changes and improvements that would provide for a coordinated, consistent and comprehensive regulatory approach to the Town's waterways management, or take any other action relative thereto,

**ARTICLE 28: WIND TURBINE ELECTRICITY PURCHASE – FY19**

By majority vote, the town voted the sum of \$700,000 be raised on the Tax Levy 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.

**ARTICLE 29: SENIOR TAX WORK-OFF PROGRAM – FY19**

By majority vote, the town voted 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

**ARTICLE 30: TRANSFER FROM SURPLUS REVENUE-FY19**

*Moved to Pass Over*

**ARTICLE 31: AMEND TOWN BY-LAW CHAPTER 141. LICENCES AND PERMITS**

By majority vote, the town voted to amend Chapter 141-1, Denial or revocation of license for failure to pay taxes, Section A, by adding and striking as follows:

A- The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges (hereinafter referred to as the "Tax Collector") shall annually, **and may periodically,** furnish to each department, board, commission or division (hereinafter referred to as the "licensing authority") that issues licenses or permits, including renewals and transfers, a list of the persons, corporations or business enterprises (hereinafter referred to as the "party") that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period,~~

and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

### **ARTICLE 32: ADOPT TOWN BY-LAW: STRETCH ENERGY CODE**

By majority vote, the town voted to adopt the Town of Fairhaven General By-laws, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of July 1, 2018 as follows:

#### **1. Definitions**

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

#### **2. Purpose**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

#### **3. Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

#### **4. Stretch Code**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Fairhaven General Bylaws.

The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of July 1, 2018

### **ARTICLE 33: Authorization To Petition The Legislature To Amend The Town Administrator Act To Provide That The Town Clerk Shall Be Appointed By The Town Administrator**

To see if the Town will vote to authorize the board of selectmen to petition the general court for special legislation in the form set forth below, placing the office of the town clerk within the jurisdiction of the board of selectmen, providing for the appointment of the town clerk by the town administrator, and further clarifying the authority of the town administrator with regard to vacancies in town offices, and the appointment of assistant town officers; and provided further that the general court may make clerical or editorial changes of form only to the bill, and may make such substantive changes to the bill as have been approved by the board of selectmen, the board of selectmen being authorized by this vote of the Town to approve changes to the bill which are within the scope of the general public objectives of the petition; or take any other action relative thereto.

#### **An Act Authorizing the Town Administrator of the Town of Fairhaven to Appoint the Town Clerk for the Town of Fairhaven**

SECTION 1. Notwithstanding the provisions of sections 1, 1B, 13, 14, and 19 of chapter 41 of the general laws, or of any other general or special law to the contrary, there shall be an appointed town clerk in the town of Fairhaven who shall be under the jurisdiction of the board of selectmen

for the town of Fairhaven, and shall otherwise have all the powers and duties vested by law in said office. The town clerk shall be appointed and may be removed, and any vacancy in such office shall be filled in like manner, by the Fairhaven town administrator pursuant to this act and to chapter 381 of the acts of 2014, as amended by section \_\_\_ of chapter \_\_\_ of the acts of 2018.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, if an officer under the jurisdiction of the board of selectmen of the town of Fairhaven fails to give a bond required by law, the town administrator may declare the office vacant and fill the vacancy by a temporary or permanent appointment pursuant to this act and to chapter 381 of the acts of 2014, as amended by section \_\_\_ of chapter \_\_\_ of the acts of 2018.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the head of each department under the jurisdiction of the board of selectmen of the town of Fairhaven, with the approval of the town administrator, shall appoint and remove such assistants as are provided for by law, as well as department staff within their respective departments, pursuant to this act and to chapter 381 of the acts of 2014, as amended by section \_\_\_ of chapter \_\_\_ of the acts of 2018

SECTION 4. Section 2 of chapter 381 of the acts of 2014, as amended by section \_\_\_ of chapter \_\_\_ of the acts of 2018, is hereby further amended by striking out subsection (e) thereof and inserting in its place the following subsection:-

(e) Manage and direct the daily reporting and supervision of all town departments under the jurisdiction of the board of selectmen, including: *the town clerk*, 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 or the public works department.

SECTION 5. Said section 2 of chapter 381 of the acts of 2014, as amended by section \_\_\_ of chapter \_\_\_ of the acts of 2018 is hereby further amended by striking out subsection (i) thereof and inserting in its place the following subsection:-

(i) With the approval of the board of selectmen, appoint and remove all department heads under the direct control of the town administrator. *If an officer so appointed fails to give a bond required by law, the town administrator may declare the office vacant and fill the vacancy by a temporary or permanent appointment.* Each department head, with the approval of the town administrator, shall appoint and remove *such assistants as are provided for by law*, as well as department staff within their respective departments. All appointments shall be based entirely on merit and fitness. All appointments and terminations shall be conducted in accordance with the General Laws, personnel policies, by-laws of the town of Fairhaven and any applicable employment contracts; provided, that fire department appointments shall also be subject to section 42 of chapter 48 of the General Laws.

SECTION 6. Any incumbent elected to the office of town clerk for the town of Fairhaven and serving at the time of the passage of this act shall continue to hold said office and to perform the duties thereof until the expiration of the term for which said individual was elected or until said individual otherwise vacates such office.

SECTION 7. Except as set forth in Section 6 hereof, this act shall take effect upon its passage.  
**BY SHOW OF HANDS, THIS ARTICLE WAS POSTPONED.**

**ARTICLE 34: ACCEPT M.G.L., CHAPTER 90, SECTION 17C AND SECTION 18B**

To see if the Town will vote to accept M.G.L. Chapter 90, Section 17C that provides for the Board of Selectmen in the interests of public safety to establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district and Section 18B that provides for the Board of Selectmen in the interests of public safety establish designated safety zones on, at or near any way in Fairhaven which is not a state highway and with the approval of the Department of

Transportation if the same is a state highway and, furthermore, such safety zones shall be posted as having a speed limit of 20 miles per hour, or take any other action relative thereto

**ARTICLE 35: CITIZEN PETITION-STREET ACCEPTANCE-DOANE COURT**  
*Moved to Pass Over*

**ARTICLE 36: CITIZEN PETITION-AMENDMENT TO ZONING MAP-HUTTLESTON AVENUE, ASSESSOR'S MAP 31-LOTS 115A AND LOTS 117C.**

By 2/3rds vote, the town voted to amend the Zoning Map as follows: Rezone the following described lots *from* Single Residence Districts (RA) to Apartment/Multifamily Districts (RC); Assessor's Map 31, Lot 115A, and *from* Business Districts (B) to Apartment/Multifamily Districts (RC): Assessor's Map 31, Lot 117C, as described in the Bristol County Register of Deeds Book 4359, Page 233, or take any other action relative thereto.

**ARTICLE 37: CITIZEN PETITION-AMENDMENT TO ZONING MAP-273 ALDEN ROAD, ASSESSOR'S MAP 37A, LOT 538**

By 2/3rds vote, the town voted to amend the Zoning Map as follows: Rezone the following described lot from Business (B) to Single Residence District (RA): Assessor's Map 37A, Lot 538 and as described in the Bristol County Registry of Deeds Book 4050, Page 149, or take any other action relative thereto.

**ARTICLE 38: AMEND TOWN BY-LAW, CHAPTER 206, PART 1: ANIMAL CONTROL FEES**

By majority vote, the town voted to amend Chapter 206, Part 1, of the Town Bylaws, Animal Control Fees by adding and striking as follows:

**Fee structure.**

The animal control fee structure is as follows:

<u>Type</u>	<u>Fee</u>
Boarding fee	\$25 per day
<u>Adoption fees</u>	
Adult cat	\$150-200
Kitten	\$180
Dog	\$250-300

**ARTICLE 39: ACCEPT M.G.L. CHAPTER 64N, SECTION 3: LOCAL SALES TAX ON RECREATIONAL MARIJUANA.**

By majority vote, the town voted to accept section 3 of Chapter 64N of the General Laws, and to establish the rate for the local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer, in the amount of three (3) percent.

**ARTICLE 40: OTHER BUSINESS**

None

**Motion to adjourn sine die at 12:39 on Saturday, May 5, 2018. Seconded.**

**Eileen M. Lowney  
Town Clerk**