

ANNUAL TOWN MEETING – SATURDAY, MAY 6, 2017
WALTER SILVEIRA AUDITORIUM – ELIZABETH HASTINGS MIDDLE SCHOOL
TOWN MEETING MEMBERS PRESENT 214 – QUORUM REQUIRED 100

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

The National Anthem was played

Invocation by Father Lupo, St. Joseph 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, 2017 through June 30, 2018 unless otherwise specified. Seconded.

Town Meeting Members Present:	Precinct 1 – 44
	Precinct 2 – 35
	Precinct 3 – 23
	Precinct 4 – 37
	Precinct 5 – 45
	<u>Precinct 6 – 30</u>
	TOTAL 284

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 – FY17

Voted to transfer the sum of \$129,883.13 from the Sewer Fund to Sewer Retained Earnings – Reserve for Capital Projects.

ARTICLE 5 – SEWER CAPITAL IMPROVEMENTS STABILIZATION FUND – FY17

Voted to create a Sewer Capital Improvements Stabilization Fund for Sewer Capital projects and further voted to transfer from Sewer Retained Earnings – Reserve for Capital Projects the sum of \$129,883.13 to the Sewer Capital Improvements Stabilization Fund.

ARTICLE 6 – COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS – FY17

Voted to appropriate the following sums of money from the Community Preservation Fund recommended by the Community Preservation Committee with each item to be considered a separate appropriation:

A. \$20,000 Board of Public Works – Branch Brook Land Protection Project

B. \$10,000 Recreation Center/Wellness Committee – Fitness Station Project

C. \$17,500 Fairhaven Tennis Association – Cushman Park Tennis Court Restoration

ARTICLE 7 – FUNDING LABOR CONTRACTS FY17

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

- Clerical Union-AFSCME AFL-CIO, Local 851 – FY17 - \$34,950
- Police Union- New England Police Benevolent Association, Inc., Local 64 - FY17 - \$64,694
- Dispatchers- Union New England Police Benevolent Association, Inc., Local 106 - FY17 - \$9,473
- Fire Fighters -Fairhaven Firefighters Association, Local 1555, IAFF/PFFM - FY17 - \$48,488
- Highway/Parks Union- Council 93AFSCME AFL-CIO, Local 851 - FY17 - \$26,175
- Sewer Division Union-Teamsters, Chauffeurs, Warehouseman & Helpers, Local 59
- Water Division Union- Teamsters, Chauffeurs, Warehouseman & Helpers, Local 59

Voted the adoption of the following:

1. Selectmen/Town Administrator - \$2,076 to be transferred from FY17 Wage & Salary Reserve
2. Treasurer/Collector - \$6,008 to be transferred from FY17 Wage & Salary Reserve
3. Town Clerk - \$1,128 to be transferred from FY17 Wage & Salary Reserve
4. Assessors - \$1,902 to be transferred from FY17 Wage & Salary Reserve
5. Police Department - \$74,167 to be transferred from FY17 Wage & Salary Reserve
6. Fire Department - \$48,488 to be transferred from FY17 Wage & Salary Reserve
7. Building Department - \$522 to be transferred from FY17 Wage & Salary Reserve
8. Highway Department - \$24,766 to be transferred from FY17 Wage & Salary Reserve
9. Board of Health - \$522 to be transferred from FY17 Wage & Salary Reserve
10. Council on Aging - \$1,034 to be transferred from FY17 Wage & Salary Reserve
11. Park Department - \$1,409 to be transferred from Wage & Salary Reserve
12. Sewer Enterprise Fund - \$10,493 to be transferred from Sewer Enterprise Retained Earnings
13. Water Enterprise Fund - \$18,540 to be transferred from Water Enterprise Retained Earnings

ARTICLE 8 – AMENDING SALARIES OF TOWN OFFICERS – FY17

Voted to adopt and fix the compensation for the Town Clerk at \$54,570 for a total additional appropriation of \$1,589 in FY17.

Voted to adopt and fix the compensation for the Tree Warden at \$6,832, for a total additional appropriation of \$201 in FY17.

ARTICLE 9 – AMENDED FY17 GENERAL FUND OPERATING BUDGET

Voted to amend Article 5 of the May 7, 2016 Annual Town Meeting “FY17 General Fund Operating Budget” with the following sums of money:

GENERAL GOVERNMENT

1. Selectmen/Town Administrator - \$6,692 to be transferred from FY17 Wage & Salary Reserve
2. Town Accountant - \$12,247 to be transferred from FY17 Wage & Salary Reserve
3. Treasurer/Collector - \$7,881 to be transferred from FY17 Wage & Salary Reserve
4. Town Clerk
 - (a) \$1,589 to be transferred from FY17 Wage & Salary Reserve
 - (b) Operating Expenses -\$1,200 to be transferred from Debt Service on Temp Loan
5. Assessors – \$42,398 to be transferred from FY17 Wage & Salary Reserve
6. Town Hall
 - (a) \$5,442 to be transferred from FY17 Wage & Salary Reserve
 - (b) Operating Expenses - \$5,720 to be transferred from Debt Service of Temp Loan
7. Town Meeting - \$32 to be transferred from FY17 Wage & Salary Reserve
8. Planning Board - \$57 to be transferred from FY17 Wage & Salary Reserve
9. Plan & Economic Development - \$4,016 to be transferred from FY17 Wage & Salary Reserve
10. Board of Appeals - \$347 to be transferred from FY17 Wage & Salary Reserve
11. Conservation Commission - \$361 to be transferred from FY17 Wage & Salary Reserve
12. Police Department - \$6,963 to be transferred from FY17 Wage & Salary Reserve
- 12A. Animal Control - \$1,600 to be transferred from FY17 Wage & Salary Reserve
13. Fire Department
 - (a) \$8,741 to be transferred from FY17 Wage & Salary
 - (b) \$15,000 to be transferred from Debt Service on Temp Loan
14. Building Department - \$3,621 to be transferred from FY17 Wage & Salary Reserve

15. Harbormaster - \$2,693 to be transferred from FY17 Wage & Salary Reserve
16. Emergency Management - \$50 to be transferred from FY17 Wage & Salary Reserve
17. Sealer of Weights and measures - \$196 to be transferred from FY17 Wage & Salary Reserve
18. Bristol County Agri High School - \$6,423 to be transferred from Debt Service on Temp Loan
19. Public Works Administration = \$4,872 to be transferred from FY17 Wage & Salary Reserve
20. Highway Department - \$2,439 to be transferred from FY Wage & Salary Reserve
21. Tree Department - \$830 to be transferred from FY17 Wage & Salary Reserve
22. Board of Health - \$2,803 to be transferred from FY Wage & Salary Reserve
23. Council on Aging
 - (a) \$3,038 to be transferred from FY17 Wage & Salary Reserve
 - (b) \$8,000 to be transferred from Council on Aging Social Day Reserves for Receipts
24. Veteran's Services - \$1,278 to be transferred from FY17 Wage & Salary Reserve
25. Park Department - \$1,432 to be transferred from FY17 Wage & Salary Reserve
26. Office of Tourism - \$1,563 to be transferred from FY17 Wage & Salary Reserve
27. Medicare - \$37,000 to be transferred from FY17 Wage & Salary Reserve

ARTICLE 10 – AMENDED FY17 SEWER ENTERPRISE FUND OPERATING BUDGET

Voted to amend Article 6 of the May 7, 2016 Annual Town Meeting “FY17 Sewer Enterprise Fund Operating Budget”:

Salary & Wages - \$4,932 to be transferred from Sewer Enterprise Retained Earnings

ARTICLE 11 – AMENDED FY17 WATER ENTERPRISE FUND OPERATING BUDGET

Voted to amend Article 7 of the May 7, 2016 Annual Town Meeting “FY17 Water Enterprise Fund Operating Budget”:

Salary & Wages - \$2,868 to be transferred from Water Enterprise Retained Earnings

ARTICLE 12 – AMENDED FY17 RECREATION ENTERPRISE FUND OPERATING BUDGET

Voted to amend Article 8 of the May 7, 2016 Annual Town Meeting “FY17 Recreation Enterprise Fund Operating Budget”:

Salary & Wages - \$4,548 to be transferred from Recreation Water Enterprise Retained Earnings

ARTICLE 13 – AMENDED FY17 GENERAL FUND CAPITAL PLAN

Voted to amend Article 9 of the May 7, 2016 Annual Town Meeting “General Fund Capital Plan” by transferring from Surplus Revenue (Free Cash) - \$100,000 for Project F: Facilities Improvement Plan for a revised project cost of \$145,000.

ARTICLE 14 – AMENDED FY17 SEWER ENTERPRISE CAPITAL PLAN

A. Voted by 2/3 that the Town rescinds its action taken under Article 10 -- Sewer Enterprise Capital Plan, of the warrant at the Annual Town Meeting held on May 7, 2016.

B. Also, that the Town appropriates \$10,953,000 to fund the following Capital Equipment Projects:

a) Rehab Clarifiers - - - - -	\$2,600,000
b) Rehab PT building - - - - -	\$1,290,000
c) Rehab Railroad & Pilgrim Pump - - - - -	\$2,804,000
d) Design Fee - - - - -	\$ 491,000
e) Engineering Services for Construction - -	\$ 697,000
f) 24” Sewer Interceptor Replacement - - - -	<u>\$3,071,000</u>
	\$10,953,000

in aggregate without regard to individual line items to support the engineering, design and construction for the rehabilitation of the Wastewater Treatment Plant clarifiers; rehabilitation of the Preliminary Treatment Building; rehabilitation of the Railroad Avenue and Pilgrim Avenue Pumping Stations; and the 24” Sewer Interceptor Rehabilitation on the Bike Path. To meet this appropriation, \$2,063,558 shall be transferred from amounts paid to the Town by the Town of Mattapoisett, \$23,383.12 shall be transferred from the Sconticut Neck Sewer Extension Capital Project Fund (June 8, 2002 Special Town Meeting, Article 14), \$682,000 shall be transferred from reserve funds derived from a rescinded article, \$119,058.88 shall be transferred from Sewer

System Retained Earnings, \$65,000 shall be transferred from amounts appropriated under Article 7, Part D of the warrant at the 2016 Annual Town Meeting, and the Treasurer, with the approval of the Selectmen, is authorized to borrow \$8,000,000 under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. 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 – BILLS OF PRIOR YEAR

By 9/10 vote, the town voted the following sums of money by transferring each sum from Surplus Revenue (Free Cash):

- A. Southcoast Physicians Group - \$125.53
- B. Southcoast Hospitals Group - \$50.24
- C. Enos Home Oxygen - \$46.23
- D. RAD Associates of New Bedford - \$11.03
- E. Tool Discounter - \$24.82
- F. Nancy Charest - \$562.50
- G. Southcoast Physicians Group - \$532.63

ARTICLE 16 – ADOPTION OF MGL CHAPTER 7, SECTION 37M

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

ARTICLE 17 – RECREATION ENTERPRISE TO GENERAL FUND – FY18

Voted by majority vote, to rescind the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws that established the Recreation Department as an enterprise fund effective fiscal year 2018.

ARTICLE 18 – SETTING SALARIES OF TOWN OFFICERS – FY18

Voted by majority vote, to fix the compensation of the Town’s Elected Officers and that said compensation be effective July 1, 2017:

- A. Board of Selectmen (3 members) \$16,389.00
- B. Town Clerk \$55,662.00
- C. Moderator \$ 800.00
- D. Tree Warden \$ 7,036.00
- E. Board of Health \$ 4,244.00

ARTICLE 19 – GENERAL FUND OPERATING BUDGET – FY18

Voted by majority vote to raise and appropriate, borrow or transfer from available funds the following sums of money to fund the FY18 General Fund Operating Budget.

GENERAL GOVERNMENT

Moderator

Salaries & Wages	\$ 800
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Selectmen/Town Administrator

Salaries & Wages	\$384,849
Operating Expenses	\$ 57,340

Town Accountant

Salaries & Wages	\$122,470
Operating Expenses	\$ 43,475

Information Technology

Salaries & Wages	\$ 60,000
Operating Expenses	\$163,655

Finance Director (Treasurer/Collector)	
Salaries & Wages	\$335,847
Operating Expenses	\$ 42,552
Tax Title	\$ 51,000
Town Clerk/Elections	
Salaries & Wages	\$109,908
Operating Expenses	\$ 31,141
Assessors	
Salaries & Wages	\$153,756
Operating Expenses	\$ 32,854
Town Hall	
Salaries & Wages	\$ 54,134
Operating Expenses	\$ 80,375
Town Meeting/Finance Committee	
Salaries & Wages	\$ 1,121
Operating Expenses	\$ 7,715
Planning Board	
Salaries & Wages	\$ 2,540
Operating Expenses	\$ 3,905
Planning & Economic Development	
Salaries & Wages	\$106,831
Operating Expenses	\$ 15,655
<i>ECONOMIC DEVELOPMENT COMMITTEE</i>	
Board of Appeals	
Salaries & Wages	\$ 1,639
Operating Expenses	\$ 3,600
Legal Expenses	\$170,000
Conservation Commission	
Salaries & Wages	\$ 12,636
Operating Expenses	\$ 6,120 - \$4,000 from ConCom Wetlands RRA \$2,120 on the Tax Levy
Buzzard's Bay Action Committee	\$ 1,140
<i>PUBLIC SAFETY</i>	
Police Department/Animal Control	
Salaries & Wages	\$3,317,970
Operating Expenses	\$ 323,174 - \$6,000 from Animal Shelter Gift Acct \$317,174 on the Tax Levy
Fire Department	
Salaries & Wages	\$2,177,054
Operating Expenses	\$ 232,892
Building Department	
Salaries & Wages	\$ 147,114
Operating Expenses	\$ 6,808
Harbor Master/Shellfish Inspector	
Salaries & Wages	\$ 97,261 - \$64,00 form the Waterways Fund \$33,261 on the Tax Levy
Operating Expenses	\$ 41,995
Emergency Management Agency	

Salaries & Wages	\$ 1,768
Operating Expenses	\$ 11,480
Sealer of Weights & Measures	
Salaries & Wages	\$ 6,863
Operating Expenses	\$ 1,598
Street Lighting	\$ 51,000
EDUCATION	
Fairhaven Public Schools	\$19,783,472
GNBRVT High School	\$1,955,224
Bristol County Aggie High School	\$ 37,000
PUBLIC WORKS	
Administration	
Salaries & Wages	\$178,515
Operating Expenses	\$ 2,816
Highway Division	
Salaries & Wages	\$980,282
Operating Expenses	\$1,191,942 - \$10,000 from Sub-Division Mgt Fees \$1,181,942 on the Tax Levy
Snow and Ice Removal	\$ 50,000
Tree Warden Department	
Salaries & Wages	\$ 36,114
Operating Expenses	\$ 18,705
HEALTH & HUMAN SERVICES	
Board of Health	
Salaries & Wages	\$152,298
Operating Expenses	\$572,915
Council on Aging	
Salaries & Wages	\$146,490 - \$36,000 from Social Day Care Center \$110,490 on the Tax Levy
RRA	
Operating Expenses	\$ 34,922
Veterans Services	
Salaries & Wages	\$ 46,444
Operating Expenses	\$892,100
Commission on Disability	\$ 1,300
Rape Crisis Project	\$ 2,000
CULTURE & RECREATION	
Millicent Library	\$665,102
Recreation (Previously an Enterprise Fund)	
Salaries & Wage	\$161,257
Operating Expenses	\$161,770
Park Division	
Salaries & Wages	\$102,431
Operating Expenses	\$ 26,319
Office of Tourism	
Salaries & Wages	\$ 56,176
Operating Expenses	\$ 23,500

Fine Arts	\$ 1,200
Historical Commission	\$ 14,750
Memorial Day	\$ 2,500
Consolidated Information Technology	\$502,879

NON-DEPARTMENTAL

Contributory Retirement	\$2,946,801
Group Insurance	\$3,881,204
MA Employment Security	\$ 120,000
Town Insurance	\$861,010
Medicare	\$385,000

DEBT SERVICE

Debt	\$878,293 - \$84,000 from Overlay Surplus \$20,000 from Title 5 RRA \$774,293 On the Tax Levy
Interest of Debt	\$309,044
Interest on Temp Loan	\$ 60,000

APPROPRIATIONS TO RESERVES OVERLAY RESERVE

(Abatements & Refunds	\$250,000
Reserve Fund	\$100.00
Capital Stabilization Fund	\$0.00
O(ther) P(ost) E(mployment) B(enefits) Res	\$150,000
Wage & Salary Reserve	\$150,000

That \$413,886 of Water Enterprise costs appropriated in the General Fund for health insurance, pensions, other employee benefits, and shared employees will be funded and transferred from Water Revenue.

And that \$549,590 of Sewer Enterprise costs appropriated in the General Fund for health insurance, pension, other employee benefits, and shared employees will be funded and transferred from Sewer Revenue.

And that \$1,050,000 of Ambulance Costs appropriated in the general Fund for Police and Fire salary, operating budget, health insurance, pensions, other employee benefits will be funded from Ambulance Fund Receipts reserved for appropriation.

ARTICLE 20 – WATER ENTERPRISE FUND OPERATING BUDGET FY18

Voted by majority the sum of

\$574,978 for Water Salaries and Wages
\$382,401 for Water Expenses
\$1,128,556 for Water District
\$413,866 for Water Indirect Costs (to cover the costs in the General Fund
\$50,000 for Water Reserve Fund
\$48,354 for Water Debt
\$17,918 for Water Interest on Debt

for total of \$2,616,073 to be appropriated from the Water Enterprise.

ARTICLE 21 – SEWER ENTERPRISE FUND OPERATING BUDGET – FY18

By majority vote, the town voted the following sums of money to fund the FY18 Sewer Enterprise Fund Operating Budget:

\$968,663 for Sewer Salaries and Wages
\$1,139,684 for Sewer Expenses
\$549,591 for Sewer Indirect Cost (to cover the costs in the General Fund)

\$50,000 for Sewer Reserve Fund
 \$278,760 for sewer Debt (principal)
 \$73,077 for sewer Interest on Debt
 \$152,200 for Sewer Interest on Temporary Loans
 for a total of \$3,211,975, of which,
 \$3,179,743 be appropriated from the Sewer Enterprise 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
 \$12,553 from Sewer Betterment Stabilization Fund = Sconticut Neck

**ARTICLE 22 – FY18 RECREATION ENTERPRISE FUND OPER BUDGET – FY19
MOVED TO PASS OVER**

(Note: This article will be passed over/indefinitely postponed if Article 17 is approved)

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

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

MOVED TO PASS OVER

ARTICLE 24 – GENERAL FUND CAPITAL PLAN – FY18

Voted by 2/3 that the Town appropriate \$2,076,000 to pay the costs of the following Capital Equipment/Projects in the General Fund:

- A. Fire, IV Pumps for Ambulance: \$21,000
- B. Fire, Ambulance Replacement: \$260,000
- C. Police, Radio Communication System: \$250,000
- D. Police, Two Patrol Vehicles: \$80,000
- E. Marine Resources, Union Wharf Public Safety Marina: \$20,000 (combined with \$80,000 State grant – not subject to appropriation)
- F. Town Hall Snow Guards \$60,000
- G. BPW-Highway: Replace Catch Basin Truck: \$165,000 (combined with \$165,000 Chapter 90 funds – not subject to appropriation)
- H. School: Fairhaven H.S. Wood Window Restoration Project: \$230,000 (Combined with \$20,000 from Trust Fund – not subject to appropriation)
- I. BPW-Parks; Replace 2001 Toro Mower: \$65,000
- J. Fire, Ladder Truck \$925,000

and that to meet this appropriation: \$182,183 shall be transferred from Receipts Reserved for Appropriation -- Ambulance Fund, \$98,817 shall be transferred from the Ambulance Stabilization Fund, \$850,000 shall be transferred from Surplus Revenue/Free Cash, \$20,000 shall be transferred from Receipts Reserved for Appropriation --Waterways, and to pay costs of purchasing the Ladder Truck, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$925,000 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 the Town therefor. 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 25 – ROADWORK - FY18

By majority vote, the town voted the following sums of money to do the following roadwork:

- A. Brown Street: Move Adoption and the sum of \$44,000 be appropriated from surplus revenue (Free Cash)
- B. Diamond, Henry & Club Streets: Move Adoption and the sum of \$60,000 be appropriated from surplus revenue (Free Cash) and \$122,000 be transferred from Overlay Surplus for a total of \$182,000

- C. Hopkins Street: Move Adoption and the sum of \$41,000 be appropriated from Overlay Surplus.
- D. Rockland Street: Move Adoption and the sum of \$53,000 be appropriated from Overlay Surplus
- E. Blue Point Street: Move Indefinite Postponement
- F. Cove Street: Move Indefinite Postponement
- G. Billy's Way: Move Indefinite Postponement
- H. Ebony Street: Move Indefinite Postponement

And moved additionally that Board of Public Works is authorized to expend these funds in aggregate without regards to individual lines items so long the expenditures do not exceed \$104,000 in Surplus Revenue and \$216,000 in Overlay Surplus.

ARTICLE 26 – STATE AID TO HIGHWAYS – FY18

- A. By majority vote, the Town 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 by majority vote, the Town voted the sum of \$522,304 be appropriated from State Aid to Highways 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.
- C.

ARTICLE 27 – FUNDING CAPITAL STABILIZATION FUND – FY18

By majority vote, the Town voted the sum of \$1,800,000 in Surplus Revenue (Free Cash) be transferred to the Capital Stabilization Fund as authorized by Chapter 40, Section 5B of the General Laws.

ARTICLE 28 – AMBULANCE STABILIZATION – FY18

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

ARTICLE 29 – WATER ENTERPRISE CAPITAL PLAN – FY18

By majority vote, the Town voted to appropriate the sum of \$700,000 from Water Enterprise Retained Earnings to pay costs of the following Capital Equipment/Projects, including the payment of all costs incidental and related thereto:

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

ARTICLE 30 – SEWER ENTERPRISE CAPITAL PLAN – FY18

By majority vote, the Town voted the sum of \$123,000 from Sewer Enterprise Retained Earnings to pay costs of the following Capital Equipment/Projects, including the payment of all costs incidental and related thereto:

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

And moved additionally that Board of Public Works is authorized to expend these funds in aggregate without regards to individual lines items so long the expenditures do not exceed \$123,000 in Sewer Enterprise Fund Retained Earnings.

ARTICLE 31 – COMMUNITY PRESERVATION PROGRAM APPRO – FY18

By majority 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 2018, with each item to be considered a separate appropriation.

- A. \$150,000 with \$45,000 from FY18 Estimated Receipts, \$20,000 from Open Space Existing Fund Balance and \$85,000 Existing Undesignated Fund Balance for the Buzzards Bay Coalition: Indian Rock Farms Land Protection Project provided that all other funding necessary to close on the project has been obtained and is in place.
- B. \$45,000 from FY18 Estimated Receipts for Fairhaven Housing Authority – Oxford Terrace Handicap Door Replacement Project.
- C. \$50,000 with \$19,400 from FY18 Estimated Receipts and \$30,600 from Existing Undesignated Fund Balance 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. \$160,000 with \$115,000 from FY18 Estimated Receipts and \$45,000 from Existing Undesignated Fund Balance for the Library Exterior Restoration Project Ph. 4.
- E. \$12,000 from FY18 Estimated Receipts for the Board of Selectmen – Town Hall Restoration Study.
- F. \$119,000 from FY18 Estimated Receipts for the Historical Commission – Academy Building – Doorway Restoration & Handicap Access Project.
- G. \$12,600 from FY18 Estimated Receipts for administrative services and operating expenses provided in support of the Community Preservation Committee.

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

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

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

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

ARTICLE 32 – REVOLVING FUNDS – FY18

By majority vote, the Town voted to authorize and/or re-organized the following Revolving Accounts under the provisions of Massachusetts General Law Chapter 44, Section 53 E ½ under the following terms:

Hazardous Materials	Fire Chief	To fund Hazardous Materials Clean Up Account – including but not limited to the purchase of equipment and supplies and the hiring of full-time and/or part-time personnel	Disposal fees/charges	\$ 100,000
Sustainability	Sustainability/ Green Committee	To fund the expenses of the Sustainability Committee	Fees/charges	\$ 10,000
Hoppy's Landing	Board of Selectmen	To fund improvements, maintenance and repairs of Hoppy's Landing facility	Fees/charges from users of Hoppy's Landing	\$ 25,000

Town Hall Auditorium	Town Administrator	To fund improvements, maintenance and repairs of the Town Hall auditorium	Town Hall auditorium rental fees	\$ 2,000
Park Utilities	Board of Public Works	For park lighting during sporting events	User fees	\$ 2,000
Wellness (new)	Wellness Committee	For programming and initiatives of the Wellness Committee	Fees, BCBS reimbursements, vendors	\$ 2,500

ARTICLE 33 – BY-LAW USE OF REVOLVING ACCOUNTS

By majority vote, the Town voted to adopt the following by-law entitled “Use of Revolving Accounts”

1. Purpose. This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E ½.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:
 - a. Fringe benefits of full-time employees whose salaries or wagers are paid from the fund shall also be paid from the fund, [except for those employed as school bus drivers].
 - b. No liability shall be incurred in excess of the available balance of the fund.
 - c. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the select board and finance committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E ½, and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds.
 - 5.1 **Hazardous Materials Revolving Fund**
 - 5.1.1 Hazardous Material Revolving Fund. There shall be a separate fund called the Hazardous Materials Revolving Fund authorized for use by the Fire Department.
 - 5.1.2 Revenues. The town accountant shall establish the Hazardous Material Revolving Fund as a separate account and credit to the fund all of the disposal fees charged and received by the Fire department in connection with Hazardous materials incidents.
 - 5.1.3 Purposes and Expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the Hazardous Revolving Fund for the purchase of equipment and supplies and the hiring of full-time and/or part-time personnel in connection with Hazardous Materials.
 - 5.1.4 Fiscal Years. The Hazardous Materials Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.
 - 5.2 **Sustainability Revolving Fund**

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

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

5.2.3 Purposes and Expenditures. During each fiscal year, the Green Fairhaven Committee may incur liabilities against and spend monies from the Sustainability Revolving Fund for the purchase of equipment, services and supplies in connection with Green Fairhaven activities and initiatives.

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

5.3 Hoppy's Landing Revolving Fund

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

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

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

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

5.4 Town Hall Auditorium Revolving Fund

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

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

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

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

5.5 Park Utilities Revolving Fund

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

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

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

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

5.6 Wellness Committee Revolving Fund

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

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

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

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

ARTICLE 34 – SOCIAL DAY CARE CENTER – FY18

By majority vote, the Town voted to authorize the Fairhaven Council On Aging to expend in the Fiscal Year 2018 a sum of money not to cumulatively exceed \$160,000 from the Grant Account known as “Receipts Reserved for Appropriation for Social Day Program” for the purpose of providing a Social Day Program for Senior Citizens.

ARTICLE 35 – PROPAGATION OF SHELLFISH - FY18

By majority vote the Town voted the sum of \$17,500 be raised on the Tax Levy for the propagation of shellfish.

ARTICLE 36 – MAINTENANCE TO ROGERS & OXFORD SCHOOL BUILDINGS FY18

By majority vote, the Town voted the sum of \$8,000 be raised on the Tax Levy to maintain the vacant Rogers and Oxford School during FY18, including repairs, electricity, telephone, security, alarms and any other associated costs.

ARTICLE 37 – CULTURAL COUNCIL FUNDING – FY18

By majority vote, the Town voted the sum of \$2,500 be raised on the Tax Levy for the Fairhaven Cultural Council,

ARTICLE 38 - HARBOR MASTER PLAN, MATCHING FUNDS – FY18

By majority vote, the Town voted an amount not to exceed \$12,000 from the Waterways Account to provide for the Town’s portion of the Seaport Economic Council required grant match for the Harbor Master Plan.

ARTICLE 39 – WIND TURBINE ELECTRICITY PURCHASE FY18

By majority vote, the Town voted the sum of \$750,000 be raised on the Tax Levy to purchase electricity generated by Fairhaven Wind. Revenue generated from Eversource for the wind turbine power purchase will be deposited into the Town Treasury and will offset expenditures made under this appropriation.

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

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

ARTICLE 41 – FUND RESERVE FOR SPECIAL EDUCATION – FY18

By majority vote, the Town voted to transfer \$386,453 from Surplus Revenue (Free Cash) to be deposited in a Special Education Reserve Fund as authorized by Chapter 40, Section 13E of the General Laws.

ARTICLE 42 – FAIRHAVEN-ACUSHNET SCHOOL REGIONALIZATION STUDY COMM

By majority vote, the Town voted to establish a special unpaid committee to be known as the regional school district planning committee, representing key stakeholders from both the Town of Fairhaven and the Town of Acushnet with three such members from Fairhaven, including one member of the school committee from the Town of Fairhaven, to be appointed in accordance with the provisions of Section 14 of Chapter 71 of the General Laws, as amended.

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

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

ARTICLE 44 – STREET LIGHTS – FY18

By majority vote, the Town voted the sum of \$800 for the installation and maintenance of the following street light:

- A. One light at the corner of Point Street and Orchard Street - -013 #211 &1/2

ARTICLE 45 – RETIREMENT COLA BASE INCREASE IN FY18

By majority vote, the Town voted to increase the COLA Base for retirees beginning July 1, 2017 from \$13,000 to \$14,000. This request is consistent with the provisions of Chap 188, Section 19 of the Acts of 2010.

ARTICLE 46: DEMOLITION OF ABANDONED PROPERTIES

By majority vote, the Town voted to authorize the Board of Selectmen to petition the court for the following special legislation:

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

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

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

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

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

ARTICLE 47 – SENIOR WORK-OFF CHANGES

By majority, the Town voted to continue the provisions of MGL, Chapter 59, Section 5C-Senior Work for a total authorization of \$10,000,

ARTICLE 48 – TRANSFER FROM SURPLUS REVENUE

To see is the Town will vote to transfer a sum of money from Surplus Revenue for the reduction of the tax levy. ***MOVED TO PASS OVER***

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

By majority vote, the Town voted to amend the Town Code by striking therefrom Chapter 61 as it now appears and substituting the following in its place:

Chapter 61 PERSONNEL

§ 61-1. Purpose and authorization.

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

§ 61-2. Applicability.

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

§ 61-3. Human Resources Director.

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

§ 61-4. Personnel system.

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

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

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

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

A. Preparation of policies and classification and compensation plans.

The Town Administrator shall prepare or amend policies and plans with the approval of the Selectmen. Any member of the Board of Selectmen, any administrative authority, or any three persons may suggest amendments for consideration by the Town Administrator. The Town Administrator need not consider any proposal already considered in the preceding six months. All new proposals or amendments shall be submitted to the Town Administrator in writing. The Town

Administrator shall hold a public hearing on any proposed policies or amendments. Any proposed policy or plan or amendment thereto shall be posted at least five days prior to the public hearing in prominent work locations. Copies of proposals shall be provided to representatives of each employee collective bargaining unit and a copy shall be filed with the Selectmen.

B. Public hearing.

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

C. Recommended policies.

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

§ 61-6. Severability.

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

§ 61-7. Effective date.

This chapter is amended to eliminate the personnel board and to designate the town administrator as the sole authority over the administration of personnel policies, effective as voted at the May 6, 2017 Annual Town Meeting. Notwithstanding the elimination of the personnel board, all actions taken prior to the appointment of the town administrator by the personnel board within its authority, or by any other town official or board, with respect to personnel, including the appointment of all officers and employees, shall continue in full force and effect subject to future action by the town administrator within the town administrator's authority.

**ARTICLE 50 – REVOCATION OF CIVIL SERVICE FOR SCHOOL DEPARTMENT
CUSTODIAN UNION**

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

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

By 2/3 vote, the Town voted to amend the Town's Zoning Bylaws by adding the following new section:

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

A Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

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

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

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

(2) Definitions

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

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

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

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

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

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

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

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

(3) Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers. The moratorium

shall be in effect through no later than the adjournment of the 2019 Annual Town Meeting. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreation marijuana in the Town, consider the Cannabis Advisory Board regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether, and to what extent, the Town shall exercise local control over Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

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

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

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

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

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

By 2/3 vote, the Town voted:

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

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

Commencing at a point on the easterly sideline of Livesey Parkway, and the southerly sideline of Morton Street, thence turning and running; S12°56'05"E, ten and no hundredths (10.00) feet along the sideline of said Livesey Parkway, to the Point of Beginning; thence turning and running N76°16'33"E, sixty nine and seventy hundredths (69.70) feet to a point, thence turning and running:

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

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

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

S76°07'22"W, one hundred four and no hundredths (104.00) feet to a point on the easterly sideline of Livesey Street, thence turning and running along the sideline of said Livesey Street: N12°56'05"W, two hundred sixty four and sixty five hundredths (264.65) feet the Point of Beginning.

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

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

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

Certain parcel(s) of land in Fairhaven, Bristol County, Massachusetts, shown as Assessors Map 43A, Lot 1 and 1A and shown on Land Court Plan 7432C-1 as Lot 1 filed with certificate 5873. For title see Treasures Deed 89003 noted on certificate #15101 as recorded at Bristol County Registry of Deeds: containing a total of approximately 3.15 acres more or less. Said dedication shall be effective only upon the occurrence of both (a.) the enactment of the special legislation authorizing the conveyance contemplated in Part A., above, and (b.) the recording of a notice of said dedication to be recorded simultaneously with the recording of the conveyance contemplated in Part A., above.

ARTICLE 53 - AMENDMENT TO ZONING MAP – CITIZEN PETITION

By 2/3 vote, the Town voted to amend the Zoning Map as follows:

Rezone the following described lot from Industrial (I) to General Residence District (RB): Assessor's Map 19, Lot 19 and as described in the Bristol County Registry of Deeds Book 10950, Page 167.

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

To see if the Town will vote:

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

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

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

.VOTED INDEFINITE POSTPONEMENT

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

By majority vote, the Town voted to pursuant to MGL Chapter 59, Section 38H(b) to authorize the Selectmen and the Board of Assessors to negotiate and enter into on such terms and conditions as the Board of Selectmen and the Board of Assessors deems in the best interests of the Town, a so-called Payment in Lieu of Taxes (PILOT) Agreement with CEC Solar #1114, LCC or its affiliates, with respect to payments for a sum certain in lieu of real and/or personal property taxes owed to the Town over a period up to twenty (20) years relative to a proposed solar electric generating facility located at 197 New Boston Road, Fairhaven, MA with an option for extension coterminous with lease of said parcel; CEC Solar #1114, LLC shall be exempt from property taxes, in whole or in part, as provided in that agreement during the term thereof; any such agreement shall be the result of good faith negotiations and shall be the equivalent of the property tax obligations based on full and fair cash valuation and to authorize the Board of Selectmen and the Board of Assessors to take such actions and execute any necessary documents relating thereto.

ARTICLE 56 – NARRAGANSETT BLVD LAND TRANSFER

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

ARTICLE 57 – ACQUISITION OF EASEMENT – 33 WILLIAM STREET

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

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

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

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

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

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

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

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

ARTICLE 58 – OTHER BUSINESS

None

Motion to adjourn sine die at 12:01 PM on Saturday, May 6, 2017. Seconded

**Eileen M. Lowney
Town Clerk**