

**ANNUAL TOWN MEETING - SATURDAY, MAY 3, 2014**  
**WALTER SILVEIRA AUDITORIUM - ELIZ. HASTINGS MIDDLE SCHOOL**  
**TOWN MEETING MEMBERS PRESENT 216 - QUORUM REQUIRED 100**

Meeting called to order by Moderator at 9:00 A.M.  
The National Anthem was played  
Invocation by Rev. Ann Fox of the Unitarian 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, 2014 through June 30, 2015 unless otherwise specified. Seconded

Town Meeting Members Present:	Precinct 1 – 40
	Precinct 2 – 32
	Precinct 3 – 22
	Precinct 4 – 41
	Precinct 5 – 46
	<u>Precinct 6 – 35</u>
	<b>TOTAL 216</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 - SETTING SALARIES OF TOWN OFFICERS**

Voted unanimously to fix the compensation of the Town's elected officers and that said compensation be effective July 1, 2014:

A. Board of Selectmen (3 members)	\$	15,600.00
B. Town Clerk	\$	52,457.00
C. Moderator	\$	800.00
D. Tree Warden	\$	6,631.00
E. Board of Health (3 members)	\$	4,000.00

**ARTICLE 4 - TOWN CHARGES**

1. Moderator		
a. Salary	\$	800.00
2. Selectmen		
a. Salary - Board	\$	15,000.00
b. Salary - Other	\$	243,736.00
c. Purchase of Services	\$	7,800.00
d. Supplies	\$	4,150.00
e. Other Charges/Expenses	\$	4,300.00
f. Capital Outlay	\$	-
3. Town Accountant		
a. Salary	\$	97,056.00
b. Purchase of Services	\$	90.00
c. Supplies	\$	200.00
d. Other Charges/Expenses		938.00
e. Capital Outlay	\$	-
4. Audit Expenses	\$	36,000.00
5. Data Processing		
a. Purchase of Services	\$	105,432.00
b. Supplies	\$	7,500.00
c. Capital Outlay	\$	19,200.00
6. Treasurer		
a. Salary & Wages	\$	183,708.00
b. Purchase of Services	\$	8,930.00

c. Supplies	\$	1,260.00		
d. Other Charges/Expenses	\$	2,741.00		
e. Capital Outlay	\$	-		
7. Tax Title	\$	29,400.00		
8. Town Clerk				
a. Salary - Town Clerk	\$	52,457.00		
b. Salary - Other	\$	38,139.00		
c. Purchase of Services	\$	4,737.00		
d. Supplies	\$	3,640.00		
e. Other Charges/Expenses	\$	630.00		
f. Capital Outlay	\$	-		
9. Election & Registration				
a. Salary & Wages	\$	24,233.00		
b. Purchase of Services	\$	16,189.00		
c. Supplies	\$	2,168.00		
d. Other Charges/Expenses	\$	-		
e. Capital Outlay	\$	-		
10. Town Collector				
a. Salary & Wages	\$	153,183.00		
b. Purchase of Services	\$	27,650.00		
c. Supplies	\$	4,600.00		
d. Other Charges/Expenses	\$	2,672.00		
e. Capital Outlay	\$	-		
11. Assessors				
a. Salary & Wages	\$	140,582.00		
b. Purchase of Services	\$	24,548.00		
c. Supplies	\$	3,000.00		
d. Other Charges/Expenses	\$	2,870.00		
e. Capital Outlay	\$	-		
12. Town Hall				
a. Salary & Wages	\$	43,406.00		
b. Purchase of Services	\$	11,275.00		
1. Utilities	\$	32,450.00		
2. Telephone System	\$	6,500.00		
c. Supplies	\$	3,200.00		
d. Other Charges/Expenses	\$	100.00		
e. Capital Outlay	\$	2,500.00		
13. Council on Aging				
a. Salary & Wages	\$	137,220.00	\$ 35,000.00	From Soc Day Care Ctr Recpts
			\$ 102,220.00	To be raised on the Tax Levy
b. Purchase of Services	\$	9,187.00		
1. Utilities	\$	12,900.00		
c. Supplies	\$	2,775.00		
1. Gasoline	\$	7,200.00		
d. Other Charges/Expenses	\$	300.00		
e. Capital Outlay	\$	-		
14. Town Meeting				
a. Salary & Wages	\$	1,067.00		
b. Purchase of Services	\$	3,000.00		
c. Supplies	\$	1,400.00		
d. Other Charges/Expenses	\$	-		
e. Capital Outlay	\$	-		
15. Finance Committee				
a. Salary & Wages	\$	1.00		
b. Purchase of Services	\$	170.00		
c. Supplies	\$	2,670.00		
d. Other Charges/Expenses	\$	275.00		
e. Capital Outlay	\$	-		
16. Planning Board				
a. Salary & Wages	\$	1,900.00		
b. Purchase of Services	\$	1,500.00		
c. Supplies	\$	1,450.00		
d. Other Charges/Expenses	\$	710.00		
e. Capital Outlay	\$	-		
17. Dept of Plan & Eco Dev				
a. Salary & Wages	\$	101,401.00		

b. Purchase of Services	\$	9,100.00			
c. Supplies	\$	1,025.00			
d. Other Charges/Expenses	\$	1,500.00			
e. Capital Outlay	\$	-			
18. Board of Appeals					
a. Salary & Wages	\$	1,545.00			
b. Purchase of Services	\$	3,400.00			
c. Supplies	\$	170.00			
d. Other Charges/Expenses	\$	-			
e. Capital Outlay	\$	-			
19. Personnel Board					
a. Purchase of Services	\$	-			
b. Supplies	\$	-			
c. Other Charges/Expenses	\$	1.00			
d. Capital Outlay	\$	-			
20. Legal Expenses	\$	130,000.00			
21. Engineering	\$	2,000.00			
22. Conservation Commission					
a. Salary & Wages	\$	11,788.00	\$	6,000.00	From ConCom Wetlands Acct
			\$	5,788.00	To be raised on the Tax Levy
b. Purchase of Services	\$	1,550.00			
c. Supplies	\$	1,000.00			
d. Other Charges/Expenses	\$	1,050.00			
e. Capital Outlay	\$	-			
23. Office of Tourism					
a. Salary & Wages	\$	52,875.00			
b. Purchase of Services	\$	21,400.00			
1. Utilities	\$	-			
c. Supplies	\$	900.00			
d. Other Charges/Expenses	\$	-			
e. Capital Outlay	\$	-			
24. Commission on Disability					
a. Purchase of Services	\$	700.00			
b. Supplies	\$	200.00			
c. Other Charges/Expenses	\$	400.00			
d. Capital Outlay	\$	-			
25. Police Department					
a. Salary & Wages	\$	2,736,662.00	\$	28,500.00	From Ambulance Fund Receipts
				\$2,708,162.00	To be raised on the Tax Levy
b. Purchase of Services	\$	104,118.00			
1. Utilities	\$	36,500.00			
c. Supplies	\$	61,375.00			
1. Gasoline	\$	80,200.00			
d. Other Charges/Expenses	\$	2,796.00			
e. Capital Outlay	\$	71,010.00			
26. Fire Department					
a. Salary & Wages	\$	1,833,272.00	\$	515,746.00	From Ambulance Fund Receipts
				\$1,317,526.00	To be raised on the Tax Levy
b. Purchase of Services	\$	71,853.00	\$	28,861.00	From Ambulance Fund Receipts
			\$	42,992.00	To be raised on the Tax Levy
1. Utilities	\$	5,200.00	\$	500.00	From Ambulance Fund Receipts
			\$	4,700.00	To be raised on the Tax Levy
c. Supplies	\$	57,834.00	\$	41,175.00	From Ambulance Fund Receipts
			\$	16,659.00	To be raised on the Tax Levy
1. Gasoline	\$	26,640.00	\$	10,900.00	From Ambulance Fund Receipts
			\$	15,740.00	To be raised on the Tax Levy
d. Other Charges/Expenses	\$	5,950.00	\$	3,800.00	From Ambulance Fund Receipts
			\$	2,150.00	To be raised on the Tax Levy
e. Capital Outlay	\$	-			
27. Fire Alarm Maintenance					

a. Salary & Wages	\$	12,395.00		
b. Purchase of Services	\$	4,190.00		
c. Supplies	\$	1,000.00		
1. Gasoline	\$	700.00		
d. Other Charges/Expenses	\$	-		
e. Capital Outlay	\$	-		
28. Building Department				
a. Salary & Wages	\$	129,715.00		
b. Purchase of Services	\$	1,200.00		
c. Supplies	\$	1,750.00		
1. Gasoline	\$	1,610.00		
d. Other Charges/Expenses	\$	1,400.00		
e. Capital Outlay	\$	-		
29. Tree Warden Department				
a. Salary - Tree Warden	\$	6,631.00		
b. Salary - Other	\$	31,549.00		
c. Purchase of Services	\$	11,500.00		
1. Utilities	\$	200.00		
d. Supplies	\$	250.00		
1. Gasoline	\$	5,070.00		
e. Other Charges/Expenses	\$	1,000.00		
f. Capital Outlay	\$	-		
30. Shellfish Inspection				
a. Salary & Wages	\$	85,923.00	\$	45,000.00 From Waterways Fund
			\$	40,923.00 To be raised on the Tax Levy
b. Purchase of Services	\$	6,954.00		
1. Utilities	\$	120.00		
c. Supplies	\$	6,615.00		
1. Gasoline	\$	6,950.00		
d. Other Charges/Expenses	\$	350.00		
e. Capital Outlay	\$	-		
31. Care Dogs & Other Animals				
a. Salary & Wages	\$	36,937.00	\$	5,000.00 From Animal Shelter Gift Acct
			\$	31,937.00 To be raised on the Tax Levy
b. Purchase of Services	\$	13,365.00		
1. Utilities	\$	4,050.00		
c. Supplies	\$	2,500.00		
1. Gasoline	\$	800.00		
d. Other Charges/Expenses	\$	50.00		
e. Capital Outlay	\$	-		
32. Emergency Mgt Agency				
a. Salary & Wages	\$	1,666.00		
b. Purchase of Services	\$	2,375.00		
1. Utilities	\$	2,400.00		
c. Supplies	\$	675.00		
1. Gasoline	\$	1,000.00		
d. Other Charges/Expenses	\$	-		
e. Capital Outlay	\$	-		
33. Sealer of Weights & Meas				
a. Salary & Wages	\$	6,404.00		
b. Purchase of Services	\$	125.00		
c. Supplies	\$	75.00		
d. Other Charges/Expenses	\$	780.00		
e. Capital Outlay	\$	-		
34 Street Lighting	\$	90,000.00		
35. Board of Health				
a. Salary - Board	\$	4,000.00		
b. Salary - Other	\$	91,378.00		
c. Purchase of Services	\$	9,530.00		
d. Supplies	\$	3,600.00		
1. Gasoline	\$	480.00		
e. Intergovernmental	\$	17,000.00		
f. Other Charges/Expenses	\$	1,800.00		
g. Capital Outlay	\$	-		
h. SEMASS	\$	284,586.00		
i. Recycling	\$	180,000.00		

j. Hazardous Waste	\$	11,000.00			
k. Landfill Inspection	\$	20,100.00			
36. Enforcement Agent					
a. Salary & Wages	\$	21,742.00			
37. Board of Public Works					
a. Salary & Wages	\$	158,230.00			
b. Purchase of Services	\$	1,626.00			
c. Supplies	\$	1,400.00			
d. Other Charges/Expenses	\$	290.00			
e. Capital Outlay	\$	-			
38 Highway Division					
a. Salary & Wages	\$	917,645.00			
b. Purchase of Services	\$	97,154.00			
1. Utilities	\$	19,100.00			
c. Supplies	\$	49,200.00			
1. Gasoline	\$	64,080.00			
2. Sand & Salt	\$	35,000.00			
d. Other Charges/Expenses	\$	700.00			
e. Capital Outlay	\$	-			
1. Landfill -Transfer Station	\$	25,420.00			
2. Rubbish Collection	\$	488,000.00			
3. Equipment Purchase	\$	127,499.00			
f. Street resurfacing	\$	150,000.00			
g. Sidewalk/Curbing (New)	\$	-			
h. Sidewalk Repair	\$	43,000.00			
i. Curb/Hard/Surf	\$	70,000.00			
j. Drainage	\$	12,000.00			
k. Sub Division MGT Fees	\$	8,647.00	\$	8,647.00	From Sub-Division Mgt Fees
39. Sewer Division					
a. Salary & Wages	\$	909,884.00	\$	909,884.00	From Sewer Revenue
b. Purchase of Services	\$	199,000.00	\$	199,000.00	From Sewer Revenue
1. Utilities	\$	360,000.00	\$	360,000.00	From Sewer Revenue
c. Supplies	\$	137,050.00	\$	137,050.00	From Sewer Revenue
1. Gasoline	\$	25,280.00	\$	25,280.00	From Sewer Revenue
d. Other Charges/Expenses	\$	-			
e. Capital Outlay	\$	111,500.00	\$	111,500.00	From Sewer Revenue
f. Sludge Disposal	\$	250,000.00	\$	250,000.00	From Sewer Revenue
40. Water Division					
a. Salary & Wages	\$	491,262.00	\$	491,262.00	From Water Revenue
b. Purchase of Services	\$	251,101.00	\$	252,101.00	From Water Revenue
1. Utilities	\$	51,000.00	\$	51,000.00	From Water Revenue
c. Supplies	\$	39,100.00	\$	39,100.00	From Water Revenue
1. Gasoline	\$	22,500.00	\$	22,500.00	From Water Revenue
d. Other Charges/Expenses	\$	1,500.00	\$	1,500.00	From Water Revenue
e. Capital Outlay	\$	21,000.00	\$	21,000.00	From Water Revenue
f. Water District	\$	1,163,719.00	\$	1,163,719.00	From Water Revenue
41. Veterans Services					
a. Salary & Wages	\$	42,456.00			
b. Purchase of Services	\$	366,650.00			
c. Supplies	\$	1,800.00			
d. Other Charges/Expenses	\$	490,900.00			
e. Capital Outlay	\$	-			
42. Elementary/High School	\$	18,348,083.00			
43. G.N.B.R.V.T.H.S.	\$	2,268,877.00			
44. Bristol County Agri H.S.	\$	20,604.00			
45. Millicent Library	\$	595,519.00			
46. Recreation Center					
a. Salary & Wages	\$	146,608.00	\$	28,267.00	From Rec Center Ret Earnings
			\$	56,733.00	From Recreation Ctr Revenue
			\$	61,608.00	To be raised on the Tax Levy
b. Purchase of Services	\$	9,716.00			
1. Utilities	\$	23,500.00			
c. Supplies	\$	3,100.00			
d. Other Charges/Expenses	\$	700.00			
e. Capital Outlay	\$	1,800.00			
f. Rec Center Program Accts	\$	100,000.00	\$	100,000.00	From Recreation Revenue

47. Park Division				
a. Salary & Wages	\$	88,700.00		
b. Purchase of Services	\$	10,660.00		
1. Utilities	\$	2,200.00		
c. Supplies	\$	3,100.00		
1. Gasoline	\$	6,600.00		
d. Other Charges/Expenses	\$	-		
e. Capital Outlay	\$	-		
48. Contributory Retirement	\$	2,553,204.00		
49. Group Insurance	\$	4,250,000.00		
50. Memorial Day	\$	2,500.00		
51. MA Employment Security	\$	125,000.00		
52. Non-Contributory Retirement	\$	-		
52A Capital Planning	\$	-		
53 Reserve Fund				
a. General	\$	175,000.00		
b. Water	\$	25,000.00	\$ 25,000.00	From Water Revenue
c. Sewer	\$	25,000.00	\$ 25,000.00	From Sewer Revenue
54. Town Insurance	\$	863,000.00		
55. Town Report	\$	3,200.00		
56. F.I.C.A.	\$	321,000.00		
57 Buzzards Bay Action Comm	\$	760.00		
58. Rape Crisis Project	\$	2,000.00		
59. Fine Arts	\$	1,000.00		
60. Stabilization Fund	\$	50,000.00		
61. General Fund				
a. Debt	\$	2,357,715.00	\$ 60,000.00	From Overlay Surplue
			\$ 140,000.00	From Wind Turbine Agency Fund
			\$ 17,579.00	From Title 5 Recpts Res Appro
			\$2,140,136.00	To be raised on the Tax Levy
b. Interest of Debt	\$	646,769.00	\$ 4,911.00	From Title 5 Recpts res Appro
			\$ 641,858.00	To be raised on the Tax Levy
c. Interest on Temp Loan	\$	60,000.00		
62. Water Fund				
a. Debt	\$	16,000.00	\$ 16,000.00	From Water Revenue
b. Interest of Debt	\$	3,765.00	\$ 3,765.00	From Water Revenue
c. Interest on Temp Loan	\$	-		
63. Sewer Fund				
a. Debt	\$	493,048.00	\$ 155,000.00	Stabilization Fund - Sconticut Nk
			\$ 19,000.00	Stabilization Fund - Nancy St
			\$ 11,000.00	Stabilization Fund - West Island
			\$ 4,400.00	Stabilization Fund - Boulder Park
			\$ 303,648.00	From Sewer Revenue
b. Interest of Debt	\$	213,588.00	\$ 213,588.00	From Sewer Revenue
c. Interest on Temp Loan	\$	-		

**NOTE:** That \$375,778.00 of Water Enterprise costa appropriated in the General Fund for health insurance, pensions, other employee benefits and shared employees will be funded by appropriating \$70,153.00 from Water Revenue and \$305,625.00 from Water Retained Earnings.

**NOTE:** That \$536,917.00 of Sewer Enterprise costs appropriated in the General Fund for health insurance, pensions, other employee benefits and sharedemployees will be funded from Sewer Revenue.

**NOTE:** That \$219,445.00 of Ambulance Costs appropriated in the General Fund for health insurance pensions, other employee benefits and shared employees will be funded from Ambulance Fund Receipts Reserved for Appropriation.

## **ARTICLE 5 - PROPAGATION OF SHELLFISH**

Voted unanimously the sum of \$17,500.00 for the propagation of shellfish.

## **ARTICLE 6 - COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS**

Voted unanimously the following sums of money recommended by the Community Preservation Committee for community preservation projects, committee's administrative expenses and other expenses in Fiscal Year 2015, with each item to be considered a separate appropriation:

- A. Reserve for future appropriations \$50,000.00 from estimated FY15 receipts for acquisition, creation, and preservation of Community Housing and its rehabilitation and restoration.
- B. Reserve for future appropriations \$30,000.00 from estimated FY15 receipts for acquisition, creation, and preservation of Open Space and its rehabilitation and restoration.
- C. Appropriate \$20,000.00 from FY15 Estimated Receipts for the Open Space and Recreation Plan Update.
- D. Appropriate \$50,000.00 from FY15 Estimated Receipts for the Fairhaven High School - South, East and West Window Restoration Project.
- E. Appropriate \$136,000.00 with \$112,400.00 from FY15 Estimated Receipts and \$23,600.00 from Undesignated Community Preservation Fund Balance for the Town Hall Sidewalk Restoration Project - William and Center Street Sides
- F. Appropriate \$2,000.00 from FY15 Estimated Receipts for the Historical Commission - Academy Buisling Restoration Project Phase 3.
- G. Appropriate \$10,000.00 from FY15 Estimated Receipts for the Historical Commission - Fire Protection Building Restoration Project Phase 2.
- H. Appropriate \$12,000.00 from FY15 Estimated Receipts for the Bikeway Committee - Sconticut Neck Crossing Safety Project.
- I. Appropriate \$60,000.00 from FY15 Estimated Receipts for the Livesey Skate Park Rehabilitation Project.
- J. Appropriate \$12,600.00 from FY15 Estimated Receipts for administrative services and operating expenses provided in support of the Community Preservation Committee

## **ARTICLE 7 - SOCIAL DAY CARE CENTER**

Voted unanimously to authorize the Fairhaven Council on Aging to expend in the Fiscal Year 2015 a sum of money not to cumulatively exceed \$140,000.00 from 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 8 - FIRE DEPARTMENT ROOF**

Voted unanimously the of \$253,717.00 be appropriated to replace the roof on the Police and Fire Stations and install solar panels if eligible.

## **ARTICLE 9 - FEMA GRANT FOR LADDER 1**

Voted unanimously the sum of \$42,500.00 be appropriated to apply for a five (5) percent FEMA grant to replace Ladder 1.

## **ARTICLE 10 - HAZARDOUS MATERIALS REVOLVING FUND**

Voted unanimously to re-authorize a "Hazardous Materials Revolving Account" under the provisions of Massachusetts General Law Chapter 44 Section 53 E 1/2 under the following terms:

1. The revolving account may be expended for the establishment of a Hazardous Materials Clean-up Account including, but not limited to, the purchase of equipment and supplies and the hiring of full time and/or part time personnel.
2. All fees charged to users of the Hazardous Materials Clean-up Account shall be credited to the revolving fund.

3. The Fire Chief is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2015 shall not exceed one hundred thousand (\$100,000.00) dollars.

**ARTICLE 11 - WORKER'S COMPENSATION ASSESSMENT**

Voted unanimously the sum of \$19,593.00 be appropriated to pay a MEGA 2011 Worker's Compensation Assessment due July 1, 2014 for the period of 2003-2006.

**ARTICLE 12 - WASTEWATER TREATMENT CONTRACT AMENDMENT**

Voted unanimously to authorize the Board of Public Works to enter into a further extension and amendment of the agreement dated January 1, 1992 between the Town of Fairhaven and the Town of Mattapoisett, which provides that the Fairhaven Wastewater Treatment Plant and Outfall receive, treat and dispose of wastewater from Mattapoisett.

**ARTICLE 13 - FEMA GRANT FOR FIREFIGHTER GEAR**

Voted unanimously the sum of \$6,725.00 to apply for a five (5) percent FEMA grant to replace the Fire Department's firefighting gear.

**ARTICLE 14 - ACCEPTANCE OF STATE STATUTE TO ASSIGN HANDICAP  
PARKING VIOLATION REVENUE TO THE COMMISSION ON DISABILITY**

*Moved to Pass Over*

**Motion was made to move Article 31 from its original position - Seconded**

**ARTICLE 31 - RESTRUCTURING THE BOARD OF PUBLIC WORKS**

Voted by majority vote (yes 79 - no 63) to authorize the Board of Selectmen to petition the General Court for special legislation providing that legislation establishing the Board of Public Works as an advisory board be adopted in the form set forth below; provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen be authorized to approve amendments which shall be within the scope of the general public objectives of the petition. **SEE WARRANT FOR WORDING**

**ARTICLE 15 - ESTABLISHING POSITION OF TOWN ADMINISTRATOR**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation providing that legislation establishing the position of Town Administrator be adopted in the form set forth below; provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectman approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectman be authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows.*

**SECTION 1.** The Town of Fairhaven shall be governed by the provisions of this act. To the extent that this act modifies or repeals existing General Laws and special acts or the by-laws of the Town of Fairhaven, this act shall govern.

**SECTION 2.** (A) The executive powers of the town shall be vested in the Board of Selectmen, who shall have all the powers given to Boards of Selectmen by the General Laws, except for those executive powers granted to the Town Administrator.

(B) The Board of Selectmen shall serve as the chief goal-setting and policy-making agency of the Town. The duties and responsibilities for day-to-day management of the Town shall be delegated to the Town Administrator. The Board of Selectmen shall act through the adoption of policy directives and guidelines which are to be implemented by the Town Administrator and the officers and employees appointed by, or under the authority of, the Board of Selectmen. Individual Selectmen shall not purport to represent the Board or exercise the authority of the Board except when specifically authorized by the Board.



(C) The Board of Selectmen shall:

- (1) Enact rules and regulations to implement policies and to issue interpretations.
- (2) Exercise, through the Town Administrator, general supervision over all matters affecting the interests or welfare of the Town.
- (3) Appoint the Town Counsel and any special counsels, and all members of committees, boards and commissions except the Finance Committee, and except those appointed by the Moderator, or elected by the voters or under the jurisdiction of the School Committee. They may make appointments to temporary posts and committees they create for special purposes.
- (4) Have general administrative oversight of such boards, committees and commissions appointed by the Board of Selectmen.
- (5) Have the responsibility and authority for licenses and other quasi-judicial functions as provided by the General Laws and by the Town of Fairhaven by-laws.
- (6) Issue all Town Meeting Warrants.
- (7) Review the annual proposed budget submitted by the Town Administrator and make recommendations with respect to the annual proposed budget as they deem advisable. The Town Administrator shall present the budget to the Town Meeting, incorporating the recommendations of the Board of Selectmen.
- (8) Appoint, and may re-appoint, and enter into a contract for the employment of a Town Administrator for a term of not more than three years, who shall be a person with executive and administrative qualifications and especially fitted by education, training and experience to perform the duties of the office. The Town may from time to time, by by-law, establish such additional qualifications as it seems necessary and appropriate.
- (9) Remove the Town Administrator at any time, for just cause following a formal procedure including a written intent to dismiss, a written response and a public hearing, to be completed within 30 days after the issuance of a written intent to dismiss, in accordance with the terms of the Town Administrator's contract.
- (10) Set the compensation for the Town Administrator, not to exceed an amount appropriated by the town meeting.
- (11) Designate a qualified person as acting Town Administrator to perform the duties of the office during any vacancy exceeding thirty days, caused by the Town Administrator's absence, illness, suspension, removal or resignation. The appointment of an acting administrator shall be for a period not to exceed one hundred eighty days.

**SECTION 3.** (A) The Town Administrator shall be the Chief Administrative Officer of the Town and shall act as the agent for the Board of Selectmen. He shall be responsible to the Board of Selectmen for coordinating and administering all Town affairs under the jurisdiction of the Board of Selectmen.

(B) The Town Administrator's powers and duties shall include the following:

- (1) Consult and advise the Board of Selectmen regarding its policies, and implement those policies.
- (2) Attend all meetings of the Board of Selectmen, except when excused and consult and advise the Board of Selectmen on all matters that come before the Board.
- (3) Attend all Town Meetings and advise the Town Meeting on all warrant articles within the

jurisdiction of the Board of Selectmen.

(4) Attend all Finance Committee meetings, except when excused by the Board of Selectmen, and shall keep the Finance Committee informed on all matters under the jurisdiction of the Town

(5) Manage and direct the daily reporting and supervision of all Town departments under the jurisdiction of the Board of Selectmen including the following: Assessors, Building Commission, Council on Aging, Police, Civil Defense, Animal Control Officer, Gas Inspector, Plumbing Inspector, Wiring Inspector and Weights and Measures Inspector, Recreation, Highway, Water, Sewer, Tree and Park, 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 provisions of General Laws chapter 48 §42.

(6) Review and advise the Board of Selectmen on all warrants for the payment of Town funds as prepared by the Town Accountant in accordance with section 56 of chapter 41 of the General Laws.

(7) Except with respect to the School Department, the Town Administrator shall have sole authority over the administration of personnel policies for all Town employees. With respect to the Fire Department, such authority shall be subject to the provisions of General Laws c. 48 §42. The Town Administrator shall act as the personnel board under all applicable laws and by-laws, except as otherwise set forth herein. The Personnel Board as presently constituted shall be eliminated upon the appointment of the Town Administrator. The Town may enact by-laws establishing the wages, salaries, and other benefits of employees, not inconsistent with the authority herein granted to the Town Administrator. Notwithstanding its elimination, all actions taken prior to the appointment of the Town Administrator by the Personnel Board within its authority, and by any other Town official or board, with respect to personnel, including the appointment of all officers and employees, shall continue in full force and effect, subject to future action by the Town Administrator within his authority.

(8) Administer the Town's insurance policies, including the ability to settle claims. All insurance contracts and claims settlements must receive the approval of the Board of Selectmen.

(9) With the approval of the Board of Selectmen, appoint and remove all department heads under the direct control of the Town Administrator. Each department head, with the approval of the Town Administrator, will appoint and remove all department staff within their respective departments. All appointments shall be based on merit and fitness alone. All appointments and terminations shall be consistent with the provisions of the Massachusetts General Laws, personnel policies and by-laws and of any applicable employment contracts, and with respect to the Fire Department, shall be subject to the provisions of G.L.c.48 sec.42.

(10) With the approval of the Board of Selectmen, reorganize any departmental structures under his jurisdiction.

(11) With the approval of the Board of Selectmen, negotiate all collective bargaining contracts on behalf of the Town, except for School Department contracts. The Town Administrator may seek the assistance of labor counsel, as he deems necessary to effect successful negotiations. All final agreements must be approved and executed by the Board of Selectmen.

(12) With the approval of the Board of Selectmen, establish compensation packages for all Town employees under the jurisdiction of the Town Administrator not subject to a collective bargaining agreement. Such compensation may not exceed the amount appropriated therefor by Town Meeting, and shall be subject to the provisions of applicable statutes and by-laws.

(13) Submit to the Board of Selectmen a written proposed budget for Town government for the ensuing fiscal year. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current and ensuing five years.

It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by department, committee, agency, purpose and position and proposed financing methods. The proposed budget shall include estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts. The Town may by by-law establish additional financial information and reports to be provided by the Town Administrator. To assist the Town Administrator in preparing the proposed annual budget of revenue and expenditures, the Finance Director, all boards, officers and committees of the Town, including the School Committee, shall furnish all relevant information in their possession and submit to the Town Administrator, in writing in such form as the Town Administrator shall establish, a detailed estimate of the appropriations required and of available funds.

(14) Report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the Town together with an estimate of the tax rate necessary.

(15) Establish calendar dates on or before which the proposed budget, revenue statement and tax rate estimate are to be submitted to the Board of Selectmen.

(16) Submit annually to the Board of Selectmen a five-year capital improvements program (or the same as approved by a formal Capital Planning Committee) to include: (a) a list of all capital improvements and supporting data proposed to be undertaken during the next five years; (b) cost estimates, methods of financing and recommended time schedule; and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired.

(17) Advise the Board of Selectmen at least monthly, of all departmental year-to-date expenses. Advise the Board of Selectmen at least monthly, of the Town's year-to-date revenues. Direct action as deemed necessary to ensure that all operating and capital budgets under the direct control of the Town Administrator are maintained in accordance with the Town Meeting vote that approved those budgets. Coordinate efforts with the governing bodies of those departments not under the direct supervision of the Town Administrator to ensure that those operating and capital budgets are maintained in accordance With the Town Meeting vote that approved those budgets.

(18) Keep and complete records of the office and annually submit to the Board of Selectmen, unless requested to do so more frequently, a full report of the operations of the office of the Town Administrator.

(19) Be responsible for coordination of operational and strategic planning for the Town.

(20) Serve as the Town's Procurement Officer, establish and enforce procurement policies and guidelines in accordance with applicable state laws.

(21) Manage and be responsible for the use, maintenance, security, and with the approval of the Board of Selectmen, regulate the rental for all the Town buildings, properties and facilities, including information technology, except those under the jurisdiction of the School Department, unless requested by the School Department.

(22) Prepare application of all Town Warrants for approval by the Board of Selectmen.

(23) With the approval of the Board of Selectmen, prosecute, defend, and, settle all litigation for or against the Town, subject to such appropriation as may be necessary to effect settlement, and except for litigation involving only the school department, or its officers and employees.

(24) Delegate and direct any qualified Town official or employee to carry out any duty that is within the authority of the Town Administrator.

(25) During a temporary absence, with the approval of the Board of Selectmen, the Town Administrator may designate a qualified administrative employee or officer to exercise the

powers and perform the duties of the Town Administrator.

(26) Perform any other duties or tasks assigned by the Board of Selectmen, Town Meeting or mandated by State laws.

**SECTION 4.** The Town Administrator of the Town of Fairhaven shall have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the town administrator. The Town Administrator may, without notice, cause the affairs of any division or department under the Town Administrator's supervision, or the conduct of any officer or employee thereof, to be examined.

**SECTION 5.** All laws, by-laws, votes, rules and regulations, whether enacted by authority of the Town or any other authority, which are in force in the Town of Fairhaven on the effective date of this act, not inconsistent with the provisions of this act, shall continue in full force and effect.

**SECTION 6.** No contract existing, and no action at law or suit in equity, or other proceeding pending, on the effective date of this act shall be affected by this act.

**SECTION 7.** This act shall not impair the rights or obligations of any person holding a Town office, or employed by the Town, on its effective date, except those duties assigned by this act to another officer or employer, and except those duties which are subsequently assigned to another officer or employee pursuant to this act. No person who continues in the permanent full-time service or employment of the Town shall forfeit his pay, grade or time in service as a result of the enactment of this act.

**SECTION 8.** This act shall take effect upon its acceptance by the Town Meeting of the Town of Fairhaven.

**ARTICLE 16 - SEWER SYSTEM COLLECTION REHABILITATION I&I**

Voted unanimously the sum of \$425,000.00 be appropriated by transferring \$425,000.00 from Sewer Retained Earnings to rehabilitate the sewer collection system by investigation and repairs to areas of the sewer collection system contributing high volumes of inflow and infiltration on the following streets:

Green Street  
Bridge Street  
Sycamore Street  
Howland Road  
Oxford Street  
Lafayette Street  
North Main Street  
Huttleston Avenue  
Taber Street

with additional locations in the Taber Street tributary to be included if deemed necessary after CCTV is completed.

**ARTICLE 17 - OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND -  
GASB 45**

Voted unanimously the sum of \$50,000.00 be appropriated to fund future financial obligations of the Town for health insurance benefits of retirees.

**ARTICLE 18 - ROAD WORK**

Voted unanimously the following sums of money be appropriated to do the following road work:

- A. Billy's Way - Moved Indefinite Postponement
- B. Bridge Street - \$217,083.00 to reconstruct, hard-surface and install drainage on Bridge Street from Adams Street to Huttleston Avenue.
- C. Summit Drive - \$49,590.00 to reconstruct, triple stone seal Summit Drive from Holiday Drive to end.
- D. Point Street - \$32,683.00 to reconstruct, triple stone seal Point Street from Bonney Street to end.

## **ARTICLE 19 - SEWER COLLECTION SYSTEM PUMP STATION REHABILITATION**

Voted unanimously the sum of \$575,000.00 be appropriated from Sewer Retained Earnings to rehabilitate the South Street and Taber Street Sewer Pump Station - Phase 2b.

## **ARTICLE 20 - STATE AID TO HIGHWAYS**

- A. Voted unanimously 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.
- B. Voted unanimously the sum of \$519,883.00 be appropriated for capital improvements on local roads, subject to the conditions detailed by the Massachusetts Highway Department pursuant to Chapter 90, Section 34 of the MGLS and Transportation Departments Chapter 90 Guidelines.

## **ARTICLE 21 - STREET LIGHTS**

A.. One light on Upton Street - pole #274/1 - *Moved to Pass Over*

## **ARTICLE 22 - FIRE DEPARTMENT COPY MACHINE**

Voted unanimously the sum of \$5,100 be appropriated for the Fire Department to purchase a new copy machine.

## **ARTICLE 23 - SUSTAINABILITY REVOLVING ACCOUNT**

Voted unanimously for the Town to authorize a "Fairhaven Sustainability Committee Revolving Account" under provisions of Massachusetts General Law Chapter 44, Section 53E 1/2 under the following terms:

1. The revolving account may be expended for all Fairhaven Sustainability Committee related costs.
2. All fees charged to users shall be credited to the revolving fund.
3. The Fairhaven Sustainability Committee is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2015 shall not exceed ten thousand (\$10,000.00) dollars.

## **ARTICLE 24 - WIND TURBINE ELECTRICITY PURCHASE FY 2015**

Voted to adopt and the sum of \$900,000.00 be appropriated to purchase electricity generated by Fairhaven Wind. Revenue generated from NSTAR for the wind turbines power purchase will be deposited to the Town treasury and will offset expenditures made under this appropriation.

## **ARTICLE 25 - INFORMATION TECHNOLOGY ADVISORY COMMITTEE**

See warrant for wording. *Voted Indefinite Postponement*

## **ARTICLE 26 - CAPITAL PLANNING COMMITTEE**

Voted unanimously, as amended, the following by-law:

### **Chapter 40 - CAPITAL PLANNING**

#### **S-1 Capital Improvement Program**

To establish a Capital Improvement Program for land purchases, construction and renovation of buildings, major equipment and machinery purchases, road and drainage reconstruction, and the construction and reconstruction of special facilities such as local school projects, sewer and water mains, and water treatment and sewage disposal facilities.

#### **S-2 Capital Planning Committee**

The Selectmen shall appoint a Capital Planning Committee ("Committee") consisting of seven voting members, and three or more non-voting ex officio members, to assist and advise the Town Administrator or Executive Secretary in preparing a five-year Capital Improvement Plan. The voting members shall serve terms of three years. Initially two voting members shall serve for one year, two for two years and three for three years and they may be re-appointed. The Committee shall be comprised as follows:

- A. Voting Members:
  - 1) One member of the Board of Public Works or an appointee thereof;

- 2) A person who is a member of the Fairhaven Local School Committee or an appointee thereof;
- 3) A resident of Fairhaven who represents the business, financial, or banking community;
- 4) A resident of Fairhaven with experience in the management of construction activities;
- 5) A resident of Fairhaven knowledgeable about the Town's needs in the areas of open space and recreation facilities or activities;
- 6) The Finance Director/Treasurer/Collector
- 7) The Town Administrator or Executive Secretary and
- 8) Such other non-voting ex officio members as the Selectmen deem appropriate from time to time.

### **S-3 Duties of the Committee**

The Committee shall:

- a) Study proposed capital projects, improvements and equipment purchases that have a useful life of at least five years and cost over \$20,000 per item.
- b) Work with Town Departments and officers to compile an inventory of the Town's facilities, equipment, machinery and other capital assets;
- c) Consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the Town of Fairhaven;
- d) Prepare an annual report recommending a Capital Improvement Budget for the next fiscal year and a Capital Improvement Program Plan, including Capital improvements for the next five years. The report shall be submitted to the Board of Selectmen on or before December 31st of each year for consideration and approval;
- e) Present the Capital Improvement Plan to the Annual Town Meeting for its approval of fiscal year expenditures;
- f) Monitor the execution of projects authorized;
- g) Explain and defend to the Town Meeting any deviation which the Committee proposes from the Capital Improvement Plan.

### **S-4 Report of Anticipated Capital Outlays to the Committee**

By October 15th of each year, each department, board, committee and commission shall provide to the Committee information concerning all anticipated capital outlays requiring Town Meeting appropriation for the ensuing five year period.

### **S-5 Public Hearing on the Capital Improvement Plan**

After the annual presentation of the Capital Improvement Plan by the Committee to the Selectmen, the Board of Selectmen shall, within 30 days of the receipt of the plan, hold a public hearing to present the plan for public comment.

### **S-6 Appropriation for Capital Improvements**

No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement has been considered in the Committee's Capital Improvement Plan, or the Committee has submitted a report to the Board of Selectmen explaining the omission of the proposed capital improvement from its plan.

### **S-7 Expenditures in Preparation for Capital Improvements**

Such Capital Improvement Program, after its adoption, shall permit the expenditures on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future. Notwithstanding the provisions of this section, the Town may appropriate and expend funds for the purchase of land regardless of when improvements to, or use of, the land by the Town is anticipated.

### **ARTICLE 27 - HASTINGS MIDDLE SCHOOL FLOORS**

Voted unanimously the sum of \$157,351.00 be appropriated for the abatement of tile flooring, as well as the installation of VCT flooring in the hallways of the Hastings Middle School.

### **ARTICLE 28 - TOWN HALL REPAIRS**

Voted unanimously the sum of \$7,500.00 be appropriated for Town Hall repairs, including the auditorium.

### **ARTICLE 29 - CULTURAL COUNCIL FUNDING**

Voted unanimously the sum of \$2,500.00 be appropriated for the Fairhaven Cultural Council.

### **ARTICLE 30 - HISTORICAL COMMISSION**

Voted unanimously the following sums of money be appropriated:

- A) \$5,000.00 - to defray expenses incurred pursuant to its duties to promote, protect and preserve the heritage of Fairhaven;
- B) \$5,000.00 - for the continued repairs, maintenance, improvements and utilities of the Academy Building and;
- C) \$1,000.00 - for the continued repairs, maintenance, improvements and utilities of the Fire Museum and;
- D) \$1,500.00 - for the continued repairs, maintenance, improvements and utilities at Fort Phoenix and;
- E) \$500.00 - for the continued repairs, maintenance and improvements of the Old Stone School House
- F) Replacement of the south exposure roof of the Academy Building - ***Moved to Pass Over***

### **ARTICLE 31 - MOTION WAS MADE TO MOVE THIS ARTICLE FROM ITS ORIGINAL POSITION AND TO INSERT IT AFTER ARTICLE 14 - SECONDED**

### **ARTICLE 32 - PUBLIC WORKS BUILDING DOOR REPLACEMENT**

Voted unanimously the sum of \$45,644.00 be appropriated to replace six doors at the Public Works Building.

### **ARTICLE 33 - HOPPY'S LANDING REVOLVING ACCOUNT**

Voted unanimously for the Town to authorize a "Hoppy's Landing Revolving Account" under the provisions of Massachusetts General Law Chapter 44, Section 53 E 1/2 under the following terms:

1. The revolving account may be expended for the maintenance and improvement of "Hoppy's Landing" including, but not limited to the maintenance of the floating dock, boat ramp, buildings, property, matching funds for grants and hiring of part time personnel.
2. All fees charged to users to "Hoppy's Landing" shall be credited to the revolving fund.
3. The Board of Selectmen is authorized to expend from the fund.
4. The total amount which may be expended from the fund in Fiscal Year 2015 shall not exceed twenty five thousand (\$25,000.00) dollars.

### **ARTICLE 34 - TRANSFER FROM SURPLUS REVENUE**

Voted unanimously to transfer \$1,924,040.00 from Surplus Revenue to reduce the Tax Rate.

### **ARTICLE 35 - REPORT OF COMMITTEES**

None.

### **ARTICLE 36 - OTHER BUSINESS**

None.

Motion to adjourn sine die at 4:05 PM on  
Saturday, May 3, 2014 - Seconded

Eileen M. Lowney - Town Clerk

























