

**SPECIAL TOWN MEETING – TUESDAY, DECEMBER 4, 2012  
WALTER SILVEIRA AUDITORIUM – ELIZABETH HASTINGS MIDDLE SCHOOL  
TOWN MEETING MEMBERS PRESENT 138 – QUORUM REQUIRED 100**

Meeting Called to order by the Moderator at 7:00 P.M.

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

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

Voted that all appropriations voted at this town meeting be transferred from Surplus Revenue unless otherwise specified. Seconded.

Town Meeting Members present: Precinct 1 – 24  
Precinct 2 – 21  
Precinct 3 – 15  
Precinct 4 – 25  
Precinct 5 – 30  
Precinct 6 – 23  
**TOTAL 138**

**ARTICLE 1 – TOWN CHARGES**

Voted unanimously the following sums of money to fund additional operating expenses for the following departments. Said sum to be added to previously voted appropriations for FY 2013:

**GENERAL GOVERNMENT**

**1. Treasurer**

- a. Salary & Wages - \$22,951.00 by transferring \$22,951.00 from Surplus Revenue

**2. Highway**

- a. Purchase of Services - \$6,000.00 – ***VOTED INDEFINITE POSTPONEMENT***

**3. Conservation Commission**

- a. Salary & Wages - \$2,000.00 – ***MOVED TO PASSOVER***

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

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

**1. Sewer Department - Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59**

- a. Salaries & Wages - \$6,864.00 by transferring \$6,864.00 from Sewer Retained Earnings

**ARTICLE 3 - FUNDING LABOR CONTRACTS - 2013**

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

**1. Sewer Department - Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59**

- a. Salaries & Wages - \$14,915.00 by transferring \$14,915.00 from Sewer Retained Earnings.

**ARTICLE 4 – UNPAID BILLS OF PRIOR YEAR**

Voted Unanimously the sum of \$57.25 by transferring \$57.25 from Surplus Revenue for the payment of unpaid bills of prior years in accordance with Chapter 44, Section 64 of the General Laws, as amended by Chapter 179 of the Acts of 1941.

**ARTICLE 5 – RENOVATION & ADDITION TO GREATER NEW BEDFORD  
REGIONAL SCHOOL**

Voted unanimously to adopt and that the Town hereby approves the \$17,099,808 borrowing authorized by the Greater New Bedford Regional Vocational Technical High School, for the purpose of paying costs of an addition/renovation at Greater New Bedford Regional Vocational Technical High School, 1121 Ashley Blvd., New Bedford, MA 02745, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of *the Greater New Bedford Regional Vocational Technical High School Building Committee*; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that District may receive from the MSBA for the Project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

**ARTICLE 6 – ANAEROBIC DIGESTER**

Voted unanimously the sum of \$196,000.00 by transferring \$196,000.00 from Article 10 of the May 2, 2009 Special Town Meeting to finish the Anaerobic Digester and Combined Heat and Power Project at the Wastewater Treatment Facility.

**ARTICLE 7 – STABILIZATION – SEWER BETTERMENT**

Voted unanimously the following sums of money be transferred from Sewer Retained Earnings to be placed in the following Sewer Betterment Stabilization Funds:

- A. Nancy Street (084-000-3281-0300) ----- \$2,140.00
- B. Sconticut Neck (084-000-3282-0200) ----- \$90,916.17
- C. West Island (084-000-3282-0400) ----- \$31,568.88

**ARTICLE 8A – STREET ACCEPTANCE – NORTH ST TO CHERRY STREET**

Voted unanimously to accept a certain parcel of land located in Fairhaven, Bristol County, Massachusetts known as North Street and being more particularly described as follows:

Beginning at the Northeast intersection of Cherry Street and North Street;

**THENCE** along the northerly sideline of North Street, South 87° 53' 08" East one hundred forty eight and 66/100 (148.66) feet to a corner;

**THENCE** along the westerly line of North Street, North 2° 03' 57" East three and 74/100 (3.74) feet to a drill hole and a corner;

**THENCE** along the northerly line of North Street, South 87° 53' 08" East three hundred two and 11/100 (302.11) feet to a corner and the westerly sideline of N. Main Street;

**THENCE** South 02° 36' 59" West thirty six and 75/100 (36.75) feet to a corner which is seven and 00/100 (7.00) west of the westerly sideline of N. Main Street;

**THENCE** along the southerly sideline of North Street, North 87° 53' 08" West four hundred fifty three and 47/100 (453.47) feet to a drill hole for a corner and the point of beginning; Containing 16,050 square feet more or less;

The above described right of way is shown on a plan entitled "Layout of North St from N. Main St westerly to Cherry St." Scale: 1"=40'; Dated: July 2012; prepared by Kenneth R. Ferreira Engineering, New Bedford, MA.

**ARTICLE 8B – STREET ACCEPTANCES – NORTH ST, EAST TO ADAMS ST**

Voted unanimously to accept a certain parcel of land located in Fairhaven, Bristol County, Massachusetts known as North Street and being more particularly described as follows:

Beginning at the Northeast intersection of N. Main Street and North Street at the southwest corner of a stone post;

**THENCE** along the northerly sideline of North Street, South 87° 01' 55" East one hundred fifteen and 31/100 (115.31) feet to an angle;

**THENCE** continuing along the northerly sideline South 87° 57' 59" East three hundred seventy one and 40/100 (371.40) feet to an angle;

**THENCE** continuing along the northerly sideline South 87° 35' 00" East one thousand thirty nine and 66/100 (1039.66) feet to the westerly sideline of Adams Street;

**THENCE** South 11° 51' 00" West forty one and 27/100 (41.27) feet to a corner which is three and 69/100 (3.69) north of a Massachusetts Highway Bound;

**THENCE** along the southerly sideline of North Street, North 87° 35' 00" West one thousand one hundred thirty eight and 44/100 (1138.44) feet to a drill hole and an angle;

**THENCE** continuing along the southerly sideline of North Street, North 86° 38' 46" West one hundred sixty five and 95/100 (165.95) feet to a stone bound and an angle;

**THENCE** continuing along the southerly sideline of North Street, North 86° 51' 49" West two hundred thirty two and 10/100 (232.10) feet to the easterly sideline of N. Main street and a corner;

**THENCE** North 2° 36' 59" East thirty and 88/100 (30.88) feet to a stone post and the point of beginning;

Containing 59,390 square feet more or less.

**ARTICLE 9 – UNION WHARF BUILDING REPAIRS**

Voted unanimously the sum of \$3,600.00 by transferring \$3,600.00 from Surplus Revenue to repair the north wall and roof area of the Former MacLean Seafood Building.

**ARTICLE 10 – FUND BALANCE OVERLAY SURPLUS**

Voted unanimously the sum of \$85,000.00 by transferring \$85,000.00 from Overlay Surplus to Fiscal Year 2009 Overlay Account.

**ARTICLE 11 – FINANCE DIRECTOR JOB DESCRIPTION BYLAW AMENDMENT  
MOVED TO PASSOVER**

**ARTICLE 12 – ELLIOT LANE STREET LIGHT**

Voted unanimously to accept the maintenance of a proposed new street light and pole to be located on Elliott Lane.

**ARTICLE 13 – CAPITAL PROJECT BALANCE – REQUEST FOR  
REAUTHORIZATION**

Voted unanimously to transfer the sum of \$258,394.76 of which:

A. \$81,794.86 is transferred from Article 31 of the May 10, 1994 Annual Town Meeting – Fairhaven High School Construction

B. \$176,599.90 is transferred from Article 35 of the June 8, 2002 Annual Town Meeting – East Fairhaven School Construction

These amounts are no longer needed to complete the projects for which they were initially borrowed and this amount will be used to pay costs of the Wood Elementary School Construction Project.

**14 – FAIRHAVEN EMERGENCY MANAGEMENT AGENCY – COTS**  
***MOVED TO PASSOVER***

**ARTICLE 15 – OTHER BUSINESS**

None

Motion to adjourn sine die at 7:59 PM on Tuesday, December 4, 2012.. Seconded.

**Eileen M. Lowney**  
**Town Clerk**