

SPECIAL TOWN MEETING – SATURDAY, MAY 6, 2006
WALTER SILVEIRA AUDITORIUM – ELIZ. I. HASTINGS MIDDLE SCHOOL
TOWN MEETING MEMBERS PRESENT 284 – QUORUM REQUIRED 100

Meeting called to order by the Moderator at 9:15 A.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.

Town Meeting Members present:	Precinct 1 – 49
	Precinct 2 – 49
	Precinct 3 – 30
	Precinct 4 – 55
	Precinct 5 – 48
	<u>Precinct 6 – 53</u>
	TOTAL 284

ARTICLE 1 TOWN CHARGES

Voted unanimously the following sum of money to fund additional salary and operating expenses for the following department:

GENERAL GOVERNMENT

1. Town Clerk

(a.) Salary & Wages - \$855.41 by transferring \$855.41 from Surplus Revenue.

PUBLIC SAFETY

2. Police Department

(b.) Purchase of Services - \$9,000.00 by transferring \$9,000.00 from Surplus Revenue.

3. Fire Department

(a.) Salary & Wages - \$5,000.00 by transferring \$5000.00 from Ambulance Fund.

BOARD OF PUBLIC WORKS

4. Highway Division

(b.) Purchase of Services - \$3,000.00 by transferring \$3,000.00 from Surplus Revenue.

(c.) Supplies - \$500.00 by transferring \$500.00 from Surplus Revenue.

5. Sewer Division

(b.) Purchase of Services - \$60,000.00 by transferring \$60,000.00 from Surplus Revenue.

6. Water Division

(c.) Supplies - \$8,500.00 by transferring \$8,500.00 from Water Retained Earnings

ARTICLE 2 – FUNDING LABOR CONTRACTS

Voted unanimously the following sums of money to supplement the appropriations by adoption of Article 4 of the Annual Town Meeting, May 1, 2004 for the purpose of funding the cost in FY 2005 only, of the Collective Bargaining agreement between the Town and the following labor groups, said agreement signed and dated prior to this Town Meeting:

1. Police Department – International Brotherhood of Police Officers, Local 381

(a.) Salary and Wages - \$47,044.00 by transferring \$47,044.00 from Surplus Revenue

(c.) Supplies - \$3,650.00 by transferring \$3,650.00 from Surplus Revenue.

ARTICLE 3 – FUNDING LABOR CONTRACTS

Voted unanimously the following sums of money to supplement the appropriations by adoption of Article 4 of the Annual Town Meeting, May 7, 2005 for the purpose of funding the cost in FY 2006 only, of the Collective Bargaining agreement between the Town and the following labor groups, said agreement signed and dated prior to this Town Meeting:

1. Police Department – International Brotherhood of Police Officers – Local 381

(a.) Salary & Wages - \$108,320.00 by transferring \$108,320.00 from Surplus Revenue

(c.) Supplies - \$6,025.00 by transferring \$6,025.00 from Surplus Revenue.

2. Fire Department – International Association of Firefighters, AFL-CIO, Local 1555

(a.) Salary & Wages - \$38,054.00 by transferring \$30,747.00 from Surplus Revenue

\$7,307.00 from Ambulance Fund

ARTICLE 4 – FUNDING LABOR CONTRACTS

Voted unanimously the following sums of money to supplement the appropriations by adoption of Article 4 of the Annual Town Meeting, May 6, 2006 for the purpose of funding the cost in FY 2007 only, of the Collective Bargaining agreement between the Town and the following labor groups, said agreement signed and dated prior to this Town Meeting:

1. Police Department – International Brotherhood of Police Officers – Local 381
 - (a.) Salary & Wages - \$146,060.00 by transferring \$146,060.00 from Surplus Revenue.
 - (c.) Supplies - \$8,425.00 by transferring \$8,425.00 from Surplus Revenue.
2. Fire Department – International Association of Firefighters, AFL-CIO, Local 1555
 - (a.) Salary & Wages - \$64,692.00 by transferring \$52,364.00 from Surplus Revenue.
\$12,328.00 from Ambulance Fund.
3. Clerical Union – AFSCME AFL-CIO, Local 851 and to authorize the Town Accountant to allocate the funds to the various affected departments.
 - (a.) Salary & Wages - \$40,000.00 by transferring \$37,750.00 from Surplus Revenue.
\$2,250.00 from Water Retained Earnings.

ARTICLE 5 – TOWN CHARGES

Voted unanimously to supplement the appropriations by adoption of Article 4 of the Annual Town Meeting, May 6, 2006 for the purpose of funding the cost in FY 2007 only, of wage increases for non-union employees and to authorize the Town Accountant to allocate the funds to the various affected departments: \$60,000.00 by transferring \$54,577.00 from Surplus Revenue

\$2,129.00 from Sewer Retained Earnings

\$1,894.00 from Water Retained Earnings

\$1,400.00 from Tourism Funds

ARTICLE 6 – UNPAID BILL OF PRIOR YEARS

Voted unanimously the following sums of money for the payment of unpaid bills of prior years in accordance with Section 64, Chapter 44 of the General Laws, as amended by Chapter 179 of the Acts of 1941:

- A. Robert Foster - \$151.12 by transferring \$151.12 from Surplus Revenue.
- B. Hawthorne Medical Associates - \$42.33 by transferring \$42.33 from Surplus Revenue.
- C. Orthopedic Office - \$68.43 by transferring \$68.43 from Surplus Revenue.

ARTICLE 7 – AMENDMENT TO TOWN BY-LAWS

A. Voted unanimously to amend Fairhaven By-Law “Chapter 218 Shellfish Regulations, Article II Commercial Licenses, Section 10 Dry Digging” by deleting the following: “The dry digging of shellfish is prohibited between and including January 1 and February 28.”

And replace it with the following: “The dry digging of shellfish is prohibited between and including January 1 to March 31. All categories of license holders included.”

B. Voted unanimously to amend Fairhaven By-Law “Chapter 218 Shellfish Regulations, Article III General Regulations, Section 34 A by deleting the following: “Clams may be taken the first seven days of each month, from March 1 to May 7 and September 1 to December 7. (See Section 218-22, Violations and penalties.)

And replace it with the following: “Clams may be taken the first seven days of each month, from April 1 to May 7 and September 1 to December 7. (See Section 218-22, Violations and penalties.)”

ARTICLE 8 – LAND DONATION IN LIEU OF TAXES

Voted unanimously to accept by gift a donation of land being Map 22A, Lot 82 from Mr. Stephen E. Souza in lieu of taxes pursuant to M.G.L. Chapter 60, Section 77C.

ARTICLE 9 – LAND DONATION IN LIEU OF TAXES

Voted unanimously to accept by gift a donation of land being Map 24, Lots 90-92 inclusive assessed to Manuel and Dolores Jesus Lima and Wilbur S. and Jean Cordeiro in lieu of taxes pursuant to M.G.L. Chapter 60, Section 77C.

ARTICLE 10 – STREET LIGHTS

Voted Indefinite Postponement – One light on pole #42/3 on Capeview Street.

ARTICLE 11 – NEW BOSTON ROAD – ROAD ALTERATION & TAKING

Voted unanimously the sum of \$2,500.00 by transferring \$2,500.00 from East Fairhaven School Construction Project for a certain parcel of land situated on the easterly side of New Boston Road, a 1985 Town of Fairhaven Layout, and on the northerly side of Washington Street (State Route 6-1925 alteration) in the Town of Fairhaven, in the County of Bristol (S. D.) and the Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the easterly line of New Boston Road and in the northerly line of Washington Street (State Route 6) at the Southwesterly comer of land now or formerly of Lee J. Fortier and Michelle A. Demary, said point being the southwesterly comer of the parcel herein described; thence N 08° 17'57" E a distance of twenty eight and four hundredths feet (28.04'), in the easterly line of New Boston Road, to a point; thence S 40° 00'13"E a distance of thirty seven and thirty two hundredths feet (37.32') to a point in the northerly line of Washington Street (State Route 6); thence N 88° 17'00" W a distance of twenty eight and five hundredths feet (28.05') in the Northerly line of Washington Street (State Route 6), to a point in the easterly line of New Boston Road and the point of beginning.

The above described parcel of land contains an area of 391 square feet, more or less, and is more particularly shown on a plan entitled, "Plan of Layout Alteration & Taking, New Boston Road, Fairhaven, MA, prepared for the Town of Fairhaven October 27, 2005 scale 1" = 20' by G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA 02571.

ARTICLE 12 – HOWLAND ROAD ALTERATION OF LAYOUT

Voted unanimously the sum of \$1.00 by transferring \$1.00 from Surplus Revenue for Purchase Only for Parcel 1-T-1, land now or formerly of Manny & Bob's Service, Inc., located at the northwest corner of Howland Road and Sycamore Street, identified as Assessor's Map 19, Lot 243A, located in the Town of Fairhaven, bounded and described as follows:

LAND TAKING PARCEL 1-T-1

BEGINNING AT A POINT IN THE NORTHERLY SIDELINE OF HOWLAND ROAD, SAID POINT BEING N 01 °32'40" W SEVEN AND 620/1000 (7.620) METERS (25.00') DISTANT FROM BASELINE STATION 5+26.35; THENCE NORTHEASTERLY TWELVE AND 383/1000 (12.383) METERS (40.63') BY A CURVE TO THE LEFT HAVING A RADIUS OF SEVEN AND 880/1000 (7.880) METERS (25.85') BY LAND OF MANNY & BOB'S SERVICE, INC.(MAP 19/LOT 243A) TO A POINT IN THE WESTERLY SIDELINE OF SYCAMORE STREET; THENCE S 01°34'43" E SEVEN AND 885/1000 (7.885) METERS (25.87') BY SAID WESTERLY SIDELINE OF SYCAMORE STREET TO A POINT IN THE NORTHERLY SIDELINE OF HOWLAND ROAD; THENCE S 88° 27' 20" W SEVEN AND 885/1000 (7.885) METERS (25.87') BY SAID NORTHERLY SIDELINE OF HOWLAND ROAD TO THE POINT OF BEGINNING. SAID PERMANENT EASEMENT CONTAINS THIRTEEN AND 344/1000 (13.344) S. M. (144 S.F.)

Voted unanimously the sum of \$250.00 by transferring \$250.00 from Surplus Revenue for Purchase Only for Parcel 1-T-2, land now or formerly of Robert & Fernanda Medeiros, located at the northeast comer of Howland Road and Sycamore Street, identified as Assessor's Map 18, Lot 2, located in the Town of Fairhaven, bounded and described as follows:

LAND TAKING PARCEL 1-T-2

BEGINNING AT A POINT IN THE NORTHERLY SIDELINE OF HOWLAND ROAD, SAID POINT BEING N 01 °41 '57" W SEVEN AND 620/1000 (7.620) METERS (25.00') DISTANT FROM BASELINE STATION 5+55.18; THENCE S 88°18'03" W FIVE AND 686/1000 (5.686) METERS (18.65') BY THE NORTHERLY SIDELINE OF HOWLAND STREET TO A POINT; THENCE N 01°34'43"W TWO AND 622/1000 (2.622) METERS (8.60') TO A POINT; THENCE SOUTHEASTERLY FIVE AND 549/1000 (5.549) METERS (1820') BY A CURVE TO THE LEFT HAVING A RADIUS OF SEVEN AND 720/1000 (7.720) METERS (25.33') TO A POINT; THENCE S 84°41'57"E ZERO AND 875/1000 (0.875) METERS (2.87') THE PREVIOUS TWO COURSES BY LAND OF ROBERT & FERNANDA MEDEIROS (MAP 18/ LOT 2) TO THE POINT OF BEGINNING. SAID PERMANENT EASEMENT CONTAINS FOUR AND 821/1000 (4.821) S. M. (16 S.F.).

ARTICLE 13 – HOWLAND ROAD DRAINAGE EASEMENT

Voted unanimously the sum of \$1.00 by transferring \$1.00 from Surplus Revenue for Purchase Only a certain permanent drainage easement in land now or formerly of New Bedford Thread Company, Inc., at Assessor's Map 19, Lot 100, located in the Town of Fairhaven, for the purpose of the installation, use, and maintenance of a municipal drainage pipe and necessary appurtenances thereto in the following described parcel of land:

PERMANENT DRAINAGE EASEMENT PARCEL D-1

BEGINNING AT A POINT IN THE NORTHERLY SIDELINE OF HOWLAND ROAD, SAID POINT BEING N 00°00'00" E EIGHT AND 150/1000 (8.150) METERS (26.74') DISTANT FROM BASELINE STATION 2+76.81; THENCE

N 00°02'02" W TWO AND 823/1000 (2.823) METERS (9.26') TO A POINT; THENCE

N 87°30'42" W EIGHTEEN AND 042/100 (18.042) METERS (59.19') TO A POINT; THENCE

S 23°24'56" W TWO AND 607/100 (2.607) METERS (8.55') TO A POINT; THENCE

N 66°35'04" W THREE AND 800/1000 (3.800) METERS (12.47') TO A POINT; THENCE

N 23°24'56" E SIX AND 950/1000 (6.950) METERS (22.80') TO A POINT; THENCE

S 66°35'04" E THREE AND 800/1000 (3.800) METERS (12.47') TO A POINT; THENCE

S 23°24'56" W ONE AND 131/100 (1.131) METERS (3.71') TO A POINT; THENCE

S 87°30'42" E TWENTY-FOUR AND 486/1000 (24.486) METERS (80.33') TO A POINT; THENCE

S 00°02'02" E FIVE AND 485/1000 (5.485) METERS (18.00') TO A POINT IN THE NORTHERLY SIDELINE OF HOWLAND ROAD, THE PREVIOUS NINE COURSES BEING BY LAND OF NEW BEDFORD THREAD COMPANY (MAP 19/LOT 100) SAID POINT BEING N 00°00'00" E EIGHT AND 128/1000 (8.128) METERS (26.67') DISTANT FROM BASELINE STATION 2+84.529; THENCE

S 89°57'46" W SEVEN AND 716/1000 (7.716) METERS (25.32') TO THE POINT OF BEGINNING.

SAID PERMANENT EASEMENT CONTAINS ONE HUNDRED TWENTY-TWO (122) S. M. (1315 S.F.).

ARTICLE 14 – WEST ISLAND EFFLUENT WELLS

Voted unanimously the sum of \$24,000.00 by transferring \$24,000.00 from Sewer Enterprise Retained Earnings for additional engineering, permits and construction to supplement Article 26 of the May 7, 2005 Special Town Meeting for the effluent discharge well improvements and related improvements to the West Island Wastewater Treatment Plant.

ARTICLE 15 – MARINER YOUTH SOCCER REZONE

Motion failed – needed two thirds vote.

ARTICLE 16 – ALDEN ROAD

Voted unanimously to accept as a gift from Manuel DosSantos a deed to two certain parcels of registered land belonging to said Manuel DosSantos but lying within the 1967 layout of Alden Road. Said parcels of land being described as follows:

Parcel 8

Beginning at a stone bound on the southerly sideline of Glenhaven Street; Thence by said sideline N77° 05' 30"E 20.36' to a corner and the former sideline of Alden Road; Thence by said sideline S30° 54' 33"E 84.12' to a corner and Parcel 7 on the above referenced plan; Thence by said Parcel 7 S77° 05' 30"W 13.61' to a corner and Lot 16; Thence by said Lot 16 along a curve deflecting to the right having a radius of 2025.00' and a length of 74.25' to a stone bound and point of reverse curvature; Thence by a curve deflecting to the left having a radius of 12.04' and a length of 15.66' to the point of beginning. Containing 1,032 S.F.

Parcel 7

Beginning at the northwest corner of the parcel to be described at the southeast corner of Lot 16 and the northeast corner of Lot 17 on the above referenced plan; Thence N77° 05' 30"E 13.61' to the former sideline of Alden Road; Thence by said sideline S30° 54' 33"E 84.12' to a corner and northerly sideline of Faith Street; Thence by said sideline S77° 05' 30"W 29.46' to a stone bound and point of curvature; Thence by a curve deflecting to the left having a radius of 12.00' and a length of 22.93' to a stone bound and point of reverse curvature; Thence by a curve deflecting to the right having a radius of 2025.00' and a length of 67.50' to the point of beginning; Containing 1,132 S.F.

Parcels 7 and 8 are shown on a plan entitled "PLAN OF LAND IN FAIRHAVEN, MASSACHUSETTS PREPARED FOR MANUEL AND SHARON B. DeSANTOS CERTIFICATE OF TITLE NO 20622 BEING A SUBDIVISION OF LOTS 9, 12, & 13 SHOWN ON LAND COURT PLAN 19289C Rev'd thru DEC. 6, 2005 SEPTEMBER 8, 2005 KENNETH R. FERREIRA ENGINEERING CO., INC. SUITE 2S, 46 FOSTER STREET NEW BEDFORD, MASSACHUSETTS 02740".

(NOTE: This will correct an omission in the 1967 layout taking for Alden Road.)

ARTICLE 17 – EISENBERG PROPERTY

Voted Indefinite Postponement.

ARTICLE 18 – HARBOR DREDGING AGREEMENT

Voted unanimously to authorize the Board of Selectmen to enter into a multi-year intergovernmental agreement, for a term not to exceed 25 years, with the City of New Bedford and/or New Bedford Harbor Development Commission (HDC) pursuant to G.L. c. 40 §4A. Under the proposed agreement, the City and/or the HDC will manage the ongoing harbor-dredging project. Funds for the dredging will come from State and Federal grants plus additional private funds, which may be contributed to the project. No Town funds will be expended without further appropriation by the Town. The areas to be eligible for dredging are all areas in Fairhaven waters within the New Bedford/Fairhaven Harbor. No Town funds will be appropriated under this article.

ARTICLE 19 – 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 \$314,234.00 by transferring \$314,234.00 from Chapter 291 of the Acts of 2004 for capital improvements on local roads.

ARTICLE 20 – TOWN WIDE FIRE ALARM REPLACEMENT SYSTEM

Voted unanimously the sum of \$150,000.00 by transferring \$150,000.00 from Surplus Revenue to replace the Town Fire Alarm System to a wireless system, including all public buildings.

**ARTICLE 21 – COMMUNITY PRESERVATION PROGRAM DIRECT
APPROPRIATIONS FROM FUND BALANCE**

Voted unanimously that the town appropriate the sum of \$117,000.00 from currently available Community Preservation Program Funds to be set aside or expended as follows:

- A) \$12,000.00 set aside for Community Housing
- B) \$2,000.00 set aside for Historic Preservation
- C) \$92,000.00 expended for Viveiros Farm Preservations
- D) \$10,000.00 expended for Fort Phoenix Restoration
- E) \$1,000.00 expended for Administration Costs

and further that the Town appropriate the sum of \$335,000.00 from currently available Community Preservation Program Funds remaining and from Community Preservation Program Funds subsequently received to be set aside or expended as follows:

- A) \$38,000.00 set aside for Community Housing
- B) \$38,000.00 set aside for Historic Preservation
- C) \$258,000.00 expended for Viveiros Farm Preservations
- D) None
- E) \$1,000.00 expended for Administration Costs

Provided, however, that none of those latter set asides and expenditures shall be made until the total available funds meets or exceeds the \$335,000.00 appropriated.

ARTICLE 22 – OTHER BUSINESS

None.

Motion to adjourn sine die at 10:50 AM on Saturday, May 6, 2006. Seconded.

Eileen M. Lowney
Town Clerk