

**SPECIAL TOWN MEETING – SATURDAY, MAY 3, 2014**  
**WALTER SILVEIRA AUDITORIUM – ELIZABETH HASTINGS MIDDLE SCHOOL**  
**TOWN MEETING MEMBERS PRESENT 216 – QUORUM REQUIRED 100**

Meeting called to order by the Moderator at 9:00 AM.

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

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 – 40
	Precinct 2 – 32
	Precinct 3 – 22
	Precinct 4 – 41
	Precinct 5 – 46
	<u>Precinct 6 – 35</u>
	<b>TOTAL 216</b>

**ARTICLE 1 – TOWN CHARGES**

Voted the following sums of money to fund additional salary and operating expenses for the following departments. Said money to be added too previously voted appropriations for FY 2014:

**GENERAL GOVERNMENT**

1. Veteran's Services
  - b. Purchase of Services - \$30,000.00 by transferring \$25,000.00 from the FY2014 appropriations for Veterans's Services Section 41.d, *Other Charges/Expenses* and by transferring \$5,000.00 from Surplus Revenue.
2. Legal Expense - \$28,000.00 by transferring \$28,000.00 from Surplus Revenue.
3. Fire Department
  - a. Salary & Wages - \$30,000.00 by transferring \$30,000.00 from Ambulance Fund Receipts.

**ARTICLE 2 – SETTING SALARIES OF TOWN OFFICIALS**

Voted to fix the compensation of the Town's Elected Officers and that said compensation be effective January 1, 2014 and to supplement the appropriation of Article 4 of the Annual Town Meeting, May 4, 2013 for FY 14:

1. Town Clerk
  - a. Salary - \$134.24 by transferring \$134.24 from Surplus Revenue

**ARTICLE 3 – FUNDING LABOR CONTRACTS - 2014**

Voted to supplement the appropriations of Article 4 of the Annual Town Meeting, May 4, 2013 for the purpose of funding the cost in FY 2014 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. Dispatcher Union – New England Benevolent Association, Local 64
  - a. Salaries and Wages – ***MOVED TO PASS OVER***

*At this point, it was voted to waive the provisions of Chapter 50 Section 9 as to notice and filing of collective bargaining agreement.*

2. Fire Department – International Association of Firefighters, AFL-CIO, Local 1555
  - a. Salaries and Wages - \$47,149.00 by transferring \$35,679.00 from the Ambulance Fund and \$11,470 from Surplus Revenue.
  - c. Supplies - \$1,150.00 by transferring \$200.00 from the Ambulance Fund and \$950.00 from Surplus Revenue.

#### **ARTICLE 4 – ROGERS-OXFORD SCHOOLS – FY 2015**

Voted the sum of \$8,000.00 by transferring \$8,000.00 from Surplus to maintain the vacant Rogers and Oxford Schools during Fiscal Year 2015, including repairs, electricity, telephone, security, alarms, etc and any other associated costs.

#### **ARTICLE 5 – MILLICENT LIBRARY WEST CHIMNEY REPAIRS**

Voted the sum of \$16,500.00 by transferring \$16,500.00 from Surplus Revenue for the remainder of the cost of repairs to the granite and terra cotta on the west chimney of the Millicent Library.

#### **ARTICLE 6 – COMMUNITY PRESERVATION COMMITTEE APPROPRIATIONS**

Voted to appropriate the following sums of money from the Community Preservation Fund available funds the amounts recommended by the Community Preservation Committee for committee's community preservation projects with each item to be considered a separate appropriation:

- A. Millicent Library – Exterior Restoration Project Phase I - \$197,000.00 with \$97,000.00 from Estimated Receipts and \$100,000.00 from Undesignated Community Preservation Fund Balance.
- B. Motion made to amend the figure from \$2,500 to \$2,000 – seconded. Count of votes taken (yes 59 – no 131) motion failed.  
Town Hall Table Restoration Project - \$0.00
- C. Academy Building Roof Project - \$17,000.00 from the Undesignated Fund Balance.

#### **ARTICLE 7 – FLOOD PLAIN BYLAWS AMENDMENT**

Voted to enact the following amendments to the Zoning Bylaw Chapter 198 Section 28, Floodplain and Nasketucket River Basin Districts. The additions are indicated in text that is **(bold and underlined)**. The deletions are indicated in strikethroughs (~~aaaa~~), and are as follows:

##### ***§ 198-28 Floodplain and Nasketucket River Basin Districts.***

- A. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Fairhaven designated as Zone A, AE, AH, AO, A99, V, or VE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The Map panels of the Bristol County FIRM that are wholly or partially within the Town of Fairhaven are panel numbers 25005C0391F, 25005C0392F, 25005C0393F, 25005C0394F, 25005C0411F, 25005C0413F, 25005C0425F, 25005C0482F, 25005C0501F, 25005C0502F, 25005C0503F, and 25005C0504F dated July 07, 2009; **and 25005C0391G, 25005C0393G, 25005C0394G and 25005C0482G dated July 16, 2014**. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report date ~~July 07, 2009~~ **July 16, 2014**. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.
- C. The Floodplain District is established as an overlay district to all other districts.
  - (1) All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131 § 40 and with the following:

- (a) Massachusetts State Building Code sections on floodplain and coastal high-hazard areas (currently 780 CMR). ~~120.G, Flood-Resistant Construction and Construction in Coastal Dunes).~~
  - (b) Wetlands protection regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).
  - (c) Inland wetlands restriction, DEP (currently ~~302~~ 310 CMR 13.00)
  - (d) Coastal wetlands restriction, DEP (currently ~~302~~ 310 CMR 12.00)
- D. An Order of Conditions from the Conservation Commission is required before building permit shall be issued for construction or expansion by 500 square feet or more of a principal building on land less than the specified elevations above mean sea level (MSL) as provided in the **Bristol County** Flood Insurance Rate Maps as supplied for the Town of Fairhaven, MA, by the U.S. Corps of Engineers or on any barrier beach or sand dune within 300 feet horizontally of the mean high water line.
- F. For all new structures or for proposed improvements which equals or exceeds 50% of market value of the unimproved structure, or for any proposed improvements the cost of which together with the cost of improvements made in the previous five calendar years equals or exceeds 50% of the market value of the structure before such improvements, the lowest floor level, including that of the basement, if provided, and structural members supporting the lowest floor must be elevated not less than the specified elevations above mean sea level (MSL) as provided in the Flood Insurance Rate Maps as supplied for the Town of Fairhaven, Massachusetts effective ~~June 5, 1985~~ **July 7, 2009 and July 16, 2014.**

**(7) Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited**

- ~~(7)~~ **(8)** The placement of mobile homes for year round or seasonal use is prohibited in the Floodplain overlay district.

**(9) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.**

**(10) In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:**

- (a) Adjacent Communities,**
- (b) NFIP State Coordinator, Massachusetts Department of Conservation and Recreation**
- (c) NFIP Program Specialist, Federal Emergency Management Agency, Region I**

**(11) All subdivision proposals must be designed to assure that:**

- (a) such proposals minimize flood damage;**
- (b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and**
- (c) adequate drainage is provided to reduce exposure to flood hazards.**

## **ARTICLE 8 – ADAMS STREET EASEMENT PETITION**

Voted to grant an easement for the property located at 249 Adams Street. The easement is for the side entrance stairway which encroaches on the Brown Street sidewalk by approximately two-and-a-half (2 ½) feet by eight (8) feet, on the south side of Brown Street approximately thirty (30) feet east of Adams Street.

## **ARTICLE 9 – ROGERS AND OXFORD SCHOOLS – ASSET EVALUATION**

Motion was made for Indefinite Postponement – seconded. Count of vote taken (yes 93 – no 96) Motion failed.

Voted the sum of \$5,000.00 by transferring \$5,000.00 from Surplus Revenue for the purpose of having a study conducted to develop a document that describes and evaluates the assets of the Rogers and Oxford Schools.

## **ARTICLE 10 – MEDICAL MARIJUANA SALES TAX (5%)**

Voted to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a local sales tax on the sale of medical marijuana; (provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition).

### **AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO IMPOSE A LOCAL SALES TAX ON THE SALE OF MEDICAL MARIJUANA**

Section 1. (a) Notwithstanding the provisions of Section 6 of Chapter 64H or any other general or special law to the contrary, the Town of Fairhaven is hereby authorized to impose a local sales tax upon (1) the retail sale of medical marijuana sold by a medical marijuana treatment center licensed by the Commonwealth pursuant to Chapter 369 of the Acts of 2012 originating within the Town, (2) the wholesale sale of medical marijuana by a treatment center located in the Town to another treatment center located in another municipality, (3) the wholesale sale of medical marijuana cultivated in the Town of Fairhaven to a licensed medical marijuana treatment center located in another municipality. The sales tax imposed under this act shall be at a rate of five (5) percent of the gross receipts from the retail or wholesale sale of medical marijuana. The sales tax imposed under this section shall be paid to the Treasurer of the Town on a quarterly basis.

Section 2. This Act shall take effect upon passage.

## **ARTICLE 11 – AQUACULTURAL LICENSE FEES PETITION**

Voted to have the Town petition State Legislature to allow the Town of Fairhaven to charge up to \$200.00 per acre for shellfish aquaculture licenses granted under Chapter 130 of Massachusetts General Laws, as had been done in other communities.

## **ARTICLE 12 – TOWN GOVERNMENT STUDY COMMITTEE CONTINUATION FY 15**

Voted the sum of \$5,000.00 by transferring \$5,000.00 from Surplus Revenue and authorize the Town Government Study Committee to continue to operate according to the provisions granted under Article 11 of the 2013 Special Town Meeting, which authorized the Committee to review all aspects of local government organization and structure, including, without limitation, regional relationships and the operation of all Town departments, boards, committee and commissions, elected and appointed, and recommend changes in such organization and structure, consonant with the traditional values of the Town, and designed to achieve greater efficiency and effectiveness in the delivery of government services; which recommendations shall be made in form suitable for consideration at the next Annual Town Meeting or subsequent Town Meeting.

## **ARTICLE 13 – WEST ISLAND DEFIBRILLATOR**

Voted the sum of \$1,245.00 by transferring \$1,245.00 from Surplus Revenue to purchase a defibrillator for the West Island Town Beach.

## **ARTICLE 14 – FIRE ALARM SYSTEM AT EMA HEADQUARTERS**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$6,000.00 for the purchase and installation of a Fire Alarm System at the Emergency Management Headquarters, located at 150 Sconticut Neck Road.

***MOVED TO PASS OVER***

## **ARTICLE 15 – UPTON STREET LIGHT**

Voted the sum of \$750.00 by transferring \$750.00 from Surplus Revenue for the installation and maintenance of the following street light:

A. One light on Upton Street, pole #274/2

#### **ARTICLE 16 – UNION WHARF LAND EXCHANGE**

By majority vote, the Board of Selectmen was authorized to purchase from Union Wharf Realty LLC, or its successor or assignee, a 900 square-foot parcel of real property located on Union Wharf, shown at Town of Fairhaven Assessors' Map 7, Lot 7; and, simultaneously therewith, to sell to Union Wharf Realty LLC, or its successor or assignee, the 2,158 square-foot parcel of real property shown at Town of Fairhaven Assessors' Map 7, Lot 9, provided that the purchase price paid by the Town for the 900 square-foot parcel is less than the purchase price paid to the Town for the 2,158 square-foot parcel.

#### **ARTICLE 17 – DEMOLITION AT ROGERS/OXFORD/87 MAIN STREET**

Voted the sum of \$20,000.00 by transferring \$20,000.00 from Surplus Revenue for the demolition of three (3) portable classrooms at Rogers School, one (1) portable classroom at Oxford School and the tax title house at 87 Main Street located on Assessors' Map 11, Lot 50.

#### **ARTICLE 18 – NON-UNION PERSONNEL REVIEW**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to have a consultant review and rewrite job descriptions and compensation levels for all Non-Union positions under the jurisdiction of the Town Personnel Board.

***VOTED INDEFINITE POSTPONEMENT***

#### **ARTICLE 19 – OTHER BUSINESS**

Motion to adjourn sine die on Saturday, May 3, 2014 at 11:35 AM - Seconded

Respectfully submitted,

Eileen M. Lowney  
Town Clerk