

SPECIAL TOWN MEETING – TUESDAY, OCTOBER 25, 2011
WALTER SILVEIRA AUDITORIUM – ELIZ. HASTINGS MIDDLE SCHOOL
TOWN MEETING MEMBERS PRESENT 282 – QUORUM REQUIRED 100

Meeting called to order at 7:05 PM.

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 – 55
Precinct 2 – 53
Precinct 3 – 41
Precinct 4 – 41
Precinct 5 – 52
<u>Precinct 6 – 40</u>
TOTAL 282

ARTICLE 1 – TOWN CHARGES

Voted unanimously the following sums of money to fund additional salary and operating expenses for the following departments. Said sum to be added to previously voted appropriations for FY 12:

PUBLIC SAFETY

1. Tree Department
(c) Purchase of Services - \$484.00 by transfer from Surplus Revenue.
2. Emergency Management Agency
(b) Purchase of Services
 1. Utilities - \$1,700.00 by transfer from Surplus Revenue.

BOARD OF PUBLIC WORKS

3. Administration
(c) Capital Outlay (Superintendent's Vehicle) - \$5,000.00 by transfer from the May 7, 2011 Annual Town Meeting Article 4, Section 37A, Board of Public Works Administration Salary and Wages.

ARTICLE 2 – 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:

1. Mass General Physicians Org. - \$49.73 by transfer from Surplus Revenue
2. REP Weld Corp. - \$87.00 by transfer from Surplus Revenue

ARTICLE 3 – NEW LEROY L. WOOD SCHOOL

VOTED UNANIMOUSLY THAT THE TOWN OF FAIRHAVEN APPROPRIATE THE SUM OF TWENTY FOUR MILLION SIX HUNDRED FIFTY SIX THOUSAND DOLLARS (\$24,656,000.00) FOR CONSTRUCTING, EQUIPPING AND FURNISHING A NEW LEROY L. WOOD ELEMENTARY SCHOOL LOCATED AT 60 SCONTICUT NECK ROAD, INCLUDING THE PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO, WHICH SCHOOL FACILITY SHALL HAVE AN ANTICIPATED USEFUL LIFE AS AN EDUCATIONAL FACILITY FOR THE INSTRUCTION OF SCHOOL CHILDREN FOR AT LEAST 50 YEARS, SAID SUM TO BE EXPENDED UNDER THE DIRECTION OF THE BOARD OF SELECTMEN, AND TO MEET SAID APPROPRIATION THE BOARD OF SELECTMEN IS AUTHORIZED TO BORROW SAID SUM UNDER M.G.L. CHAPTER 44, OR ANY OTHER ENABLING AUTHORITY; THAT THE TOWN ACKNOWLEDGES THAT THE MASSACHUSETTS SCHOOL BUILDING AUTHORITY'S ("MSBA") GRANT PROGRAM IS A NON-ENTITLEMENT, DISCRETIONARY PROGRAM BASED ON NEED, AS

DETERMINED BY THE MSBA, AND ANY PROJECT COSTS THE TOWN INCURS IN EXCESS OF ANY GRANT APPROVED BY AND RECEIVED FROM THE MSBA SHALL BE THE SOLE RESPONSIBILITY OF THE TOWN; PROVIDED FURTHER THAT ANY GRANT THAT THE TOWN OF FAIRHAVEN MAY RECEIVE FROM THE MSBA FOR THE PROJECT SHALL NOT EXCEED THE LESSER OF (1) SIXTY THREE AND ON HALF PERCENT (63.5%) OF ELIGIBLE, APPROVED PROJECT COSTS, AS DETERMINED BY THE MSBA, OR (2) THE TOTAL MAXIMUM GRANT AMOUNT DETERMINED BY THE MSBA; PROVIDED THAT ANY APPROPRIATION HEREUNDER SHALL BE SUBJECT TO AND CONTINGENT UPON AN AFFIRMATIVE VOTE OF THE TOWN TO EXEMPT THE AMOUNTS REQUIRED FOR THE PAYMENT OF INTEREST AND PRINCIPAL ON SAID BORROWING FROM THE LIMITATIONS ON TAXES IMPOSED BY M.G.L. 59, SECTION 21C (PROPOSITION 2½); AND THAT THE AMOUNT OF BORROWING AUTHORIZED PURSUANT TO THIS VOTE SHALL BE REDUCED BY ANY GRANT AMOUNT SET FORTH IN THE PROJECT FUNDING AGREEMENT THAT MAY BE EXECUTED BETWEEN THE TOWN AND THE MSBA.

ARTICLE 4 – FUNDING LABOR CONTRACTS

1. Clerical Union – AFSCME AFL-CIO, Local 851

Moved to Pass Over

2. Highway Division & Park Division – Council 93, American Federation of State, County & Municipal Employees AFL/CIO. Local 59

Moved to Pass Over

3. Sewer Department – Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59

Moved to Pass Over

4. Water Division – Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59

Moved to Pass Over

ARTICLE 5 – FAIRHAVEN HIGH SCHOOL – GABLES AND STAIN GLASS RESTORATION PROJECT

Voted unanimously to reconsider Article 9F of the May 7, 2011 Annual Town Meeting to rescind the previous motion and move adoption of the Fairhaven High School – Gables and Stain Glass Restoration Project by appropriating \$81,400.00 from Estimated FY12 Receipts, \$10,000.00 from Historic Preservation Existing Fund Balance and \$98,600.00 from Undesignated Community Preservation Fund Balance for the Fairhaven High School – Gables and Stain Glass Restoration Project.

ARTICLE 6 – FAIRHAVEN HOUSING AUTHORITY – MAIN STREET PROPERTY DEVELOPMENT PLAN

Voted unanimously that the town appropriate \$6,500.00 from Community Housing Existing Fund Balance for the Fairhaven Housing Authority to hire a development consultant to facilitate the development of affordable housing on the recently acquired property on Main Street adjacent to Oxford Terrace.

ARTICLE 7 – ACCEPTANCE OF STATUTE

To see if the Town will vote to approve the Fairhaven Retirement Board vote to increase the COLA base beginning July 1, 2012 from \$12,000.00 to \$13,000.00 consistent with the provisions of Chapter 188, Section 19 of the Acts of 2010, or take any other action.

Moved Indefinite Postponement

ARTICLE 8 – SOCIAL DAY CARE CENTER

Voted unanimously to authorize the Fairhaven Council on Aging to expend in Fiscal Year 2012 an additional sum of \$15,000.00 from the current account “Receipts Reserved for Appropriation for Social Day Care Center” for the purpose of providing a day care program amount of \$110,000.00 voted at the May 7, 2011 Annual Town Meeting, Article 21. The cumulative sum not to exceed \$125,000.00.

ARTICLE 9 – BUIST AVENUE

Voted unanimously to rescind the vote taken at the Annual Town Meeting on Saturday, May 7, 2011 on Article 7 “Acceptance of Land – Buist Avenue.

ARTICLE 10 – ACCEPTANCE OF LAND – BUIST AVENUE

Voted unanimously to authorize the Board of Selectmen to accept a deed to the Town of Fairhaven for a parcel of land (Map 29A Lot 24) at Buist Avenue from the Estate of Lillian Freeman and Rita Pildis and any other current owners of the property, which is subject to a tax taking held by the Treasurer for unpaid taxes in lieu of foreclosure, subject to an in compliance with Massachusetts General Law Chapter 60, Section 77C.

ARTICLE 11 – WASTEWATER TREATMENT FACILITY IMPROVEMENTS ANAEROBIC DIGESTER
VOTED UNANIMOUSLY THAT \$716,000.00 IS APPROPRIATED, IN ADDITION TO THE AMOUNTS PREVIOUSLY APPROPRIATED, FOR THE PURPOSE OF PAYING ADDITIONAL COSTS OF COMPLETING THE ANAEROBIC DIGESTER AND COMBINED HEAT AND POWER PROJECT, INCLUDING WITHOUT LIMITATION ALL COSTS THEREOF AS DEFINED IN SECTION 1 OF CHAPTER 29C OF THE GENERAL LAWS AS HERETOFORE OR HEREINAFTER AMENDED; THAT TO MEET THIS APPROPRIATION THE TREASURER WITH THE APPROVAL OF THE BOARD OF SELECTMEN IS AUTHORIZED TO BORROW \$716,000.00 AND ISSUE BONDS OR NOTES THEREFOR UNDER CHAPTER 44 OF THE GENERAL LAWS AND/OR CHAPTER 29C OF THE GENERAL LAWS OR ANY OTHER ENABLING AUTHORITY; THAT SUCH BONDS OR NOTES SHALL BE GENERAL OBLIGATIONS OF THE TOWN UNLESS THE TREASURER WITH THE APPROVAL OF THE BOARD OF SELECTMEN DETERMINES THAT THEY SHOULD BE ISSUED AS LIMITED OBLIGATIONS AND MAY BE SECURED BY LOCAL SYSTEM REVENUES AS DEFINED IN SECTION 1 OF CHAPTER 29C; THAT THE TREASURER WITH THE APPROVAL OF THE BOARD OF SELECTMEN IS AUTHORIZED TO BORROW ALL OR A PORTION OF SUCH AMOUNT FROM THE MASSACHUSETTS WATER POLLUTION ABATEMENT TRUST ESTABLISHED PURSUANT TO CHAPTER 29C AND IN CONNECTION THEREWITH TO ENTER INTO A LOAN AGREEMENT AND/OR SECURITY AGREEMENT WITH THE TRUST AND OTHERWISE TO CONTRACT WITH THE TRUST AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION WITH RESPECT TO SUCH LOAN AND FOR ANY FEDERAL OR STATE AID, INCLUDING ANY ENERGY SUBSIDY, MASSACHUSETTS TECHNOLOGY COLLABORATIVE SUBSIDY OR ANY OTHER SUBSIDY OR FEDERAL STIMULUS FUNDS, AVAILABLE FOR THE PROJECT OR FOR THE FINANCING THEREOF, WHICH AID SHALL BE APPLIED TO REDUCE THE OVERALL BORROWING COST TO THE TOWN OF THE PROJECT; THAT THE BOARD OF SELECTMEN IS AUTHORIZED TO DETERMINE WHICH ELEMENTS OF THE PROJECT SHALL BE UNDERTAKEN PURSUANT TO THIS VOTE; AND THAT THE BOARD OF PUBLIC WORKS IS AUTHORIZED TO ENTER INTO A PROJECT REGULATORY AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO EXPEND ALL FUNDS AVAILABLE FOR THE PROJECT AND TO TAKE ANY OTHER ACTION NECESSARY TO CARRY OUT THE PROJECT; PROVIDED, HOWEVER, THAT NO BORROWING SHALL BE INCURRED PURSUANT TO THIS VOTE FROM THE TRUST, UNLESS THE BOARD OF SELECTMEN DETERMINES (WHICH DETERMINATION SHALL BE FINAL) THAT THE EFFECTIVE INTEREST COST TO THE TOWN ON ANY SUCH BORROWING DOES NOT EXCEED TWO PERCENT (2%) PER ANNUM.

ARTICLE 12 – TREE DEPARTMENT CHIPPER

Voted unanimously the sum of \$60,000.00, by transfer from Surplus Revenue, to replace the Tree Department's 20 year old chipper.

ARTICLE 13 – OTHER BUSINESS

None.

Motion to adjourn sine die at 8:25 PM on Tuesday, October 25, 2011. Seconded

Eileen M. Lowney
Town Clerk