

WARRANT

**For Annual Town Meeting Election, Monday, April 7, 2014
and Meeting to Act on Articles in the Warrant
Saturday, May 3, 2014 at 9:00 a.m. in the
Walter Silveira Auditorium at the
Elizabeth I. Hastings Middle School.**

COMMONWEALTH OF MASSACHUSETTS

BRISTOL: SS

To the Constable of the Town of Fairhaven in said county

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Fairhaven qualified to vote in Town elections to meet as follows:

For election, Monday April 7, 2014

Precinct One – Town Hall, William Street entrance
Precinct Two – Fairhaven High School, Larch Street entrance
Precinct Three – Hastings Middle School – Ash Street entrance
Precinct Four – Hastings Middle School, Ash Street entrance
Precinct Five – Recreation Center, 227 Huttleston Avenue
Precinct Six – East Fairhaven School, New Boston Road entrance

In said precincts in said Town on Monday, April 7, 2014 at ten o'clock in the forenoon then and there to bring their ballots for question to be voted by ballot, viz:

One Selectman for three years, two School Committee members for three years, one Board of Health member for three years, one Commissioner of Trust Funds for three years, two Board of Public Works member for three years, two Planning Board members for four years, one Housing Authority member for five years, one Housing Authority member for 4 years unexpired term and Town Meeting Members in accordance with Section 2 of Chapter 285 of the Acts of 1930 and amendments thereto establishing in the Town of Fairhaven Representative Town Government by limited Town Meeting as follows:

Precinct One:	24 for 3 years – 1 for 2 years
Precinct Two:	24 for 3 years – 5 for 2 years
Precinct Three:	23 for 3 years – 6 for 2 years
Precinct Four:	25 for 3 years – 11 for 2 years – 2 for 1 year
Precinct Five:	23 for 3 years
Precinct Six:	24 for 3 years – 1 for 1 year

The polls shall be open from 10:00 AM to 8:00 PM and the inhabitants qualified as Town Meeting Members shall meet on Saturday, May 3, 2014 at 9:00 AM in the Walter Silveira Auditorium of the Elizabeth Hastings Middle School to act upon the following articles:

ARTICLE 1 – MEASURER OF WOOD AND BARK

To see if the Town will vote to instruct the Selectmen to appoint a Measurer of Wood and Bark.

ARTICLE 2 – TOWN REPORT

To receive the Annual Report of Town Officers.

ARTICLE 3 – SETTING SALARIES OF TOWN OFFICERS

To see if the Town will vote 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)
- B. Town Clerk
- C. Moderator
- D. Tree Warden
- E. Board of Health

ARTICLE 4 – TOWN CHARGES

To raise the sums of money as shall be necessary to defray the Town Charges for the ensuing year and make appropriations for the same viz:

GENERAL GOVERNMENT

- 1. Moderator
 - (a) Salary
- 2. Selectmen
 - (a) Salary of Board (b) Other Salary (c) Purchases of Services (d) Supplies (e) Other Charges/Expenses (f) Capital Outlay
- 3. Town Accountant
 - (a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
- 4. Audit Expenses
- 5. Data Processing
 - (a) Purchases of Services (b) Supplies (c) Capital Outlay
- 6. Treasurer
 - (a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
- 7. Tax Title
- 8. Town Clerk
 - (a) Salary – Town Clerk (b) Other Salary (c) Purchases of Services (d) Supplies (e) Other Charges/Expenses (f) Capital Outlay
- 9. Election and Registration
 - (a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay
- 10. Town Collector

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

11. Assessors

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

12. Town Hall

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (2.) Telephone System (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

13. Council on Aging

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

14. Town Meeting

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

15. Finance Committee

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

16. Planning Board

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

17. Department of Planning and Economic Development

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

18. Board of Appeals

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

19. Personnel Board

(a) Purchases of Services (b) Supplies (c) Other Charges/Expenses (d) Capital Outlay

20. Legal Expense

21. Engineering

22. Conservation Commission

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

23. Office of Tourism

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

24. Commission on Disability

(a) Purchases of Services (b) Supplies (c) Other Charges/Expenses (d) Capital Outlay

PUBLIC SAFETY

25. Police Department

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

26. Fire Department

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

27. Fire Alarm Maintenance

(a) Salary and Wages (b) Purchases of Services (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

28. Building Department

(a) Salary and Wages (b) Purchases of Services (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

29. Tree Warden Department

(a) Salary – Tree Warden (b) Other Salary (c) Purchases of Services (1.) Utilities (d) Supplies (1.) Gasoline (e) Other Charges/Expenses (f) Capital Outlay

30. Shellfish Inspection

(a) Salary and Wages (b) Purchases of Services (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

31. Care of Dogs and Other Animals

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

32. Emergency Management Agency

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

33. Sealer of Weights and Measures

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

34. Street Lighting

HEALTH AND SANITATION

35. Board of Health

(a) Salary of Board (b) Other Salary (c) Purchases of Services (d) Supplies (1.) Gasoline (e) Intergovernmental (f) Other Charges/Expenses (g) Capital Outlay (h) SEMASS (i) Recycling (j) Hazardous Waste (k) Landfill Inspection

36. Enforcement Agent

(a) Salary and Wages

BOARD OF PUBLIC WORKS

37. Administration

(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

38. Highway Division

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (2.) Sand and Salt (d) Other Charges/Expenses (e) Capital Outlay (1.) Landfill-Transfer Station (2.) Rubbish Collection (3.) Equipment Purchase (f) Street Re-Surfacing (g) Sidewalk/Curbing (new) (h) Sidewalk Repair (i) Curb/Hard Surface (j) Drainage (k) Sub-division MGT Fees

39. Sewer Division

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay (f) Sludge Disposal

40. Water Division

(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay (f) Water District

VETERANS SERVICES

- 41. Veterans Services
(a) Salary and Wages (b) Purchases of Services (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay

SCHOOLS

- 42. Elementary and High School
- 43. Greater New Bedford Regional Vocational Technical High School
- 44. Bristol County Agricultural High School

LIBRARY

- 45. Millicent Library

RECREATION

- 46. Recreation Center
(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (d) Other Charges/Expenses (e) Capital Outlay (f) Recreation Center Program Account
- 47. Park Division
(a) Salary and Wages (b) Purchases of Services (1.) Utilities (c) Supplies (1.) Gasoline (d) Other Charges/Expenses (e) Capital Outlay

UNCLASSIFIED

- 48. Contributory Retirement
- 49. Group Insurance
- 50. Memorial Day
- 51. Massachusetts Employment Security
- 52. Non-Contributory Retirement
- 52A. Capital Planning
- 53. Reserve Fund
 - (a) General
 - (b) Water
 - (c) Sewer
- 54. Town Insurance
- 55. Town Report
- 56. F.I.C.A. – Medicare
- 57. Buzzard's Bay Action Committee
- 58. Rape Crisis Project
- 59. Fine Arts
- 60. Stabilization Fund

MUNICIPAL DEBT AND INTEREST

- 61. General Fund (a) Debt (b) Interest on Debt (c) Interest on Temporary Loans
- 62. Water Fund (a) Debt (b) Interest on Debt (c) Interest on Temporary Loans
- 63. Sewer Fund (a) Debt (b) Interest on Debt (c) Interest on Temporary Loans

ARTICLE 5 – PROPAGATION OF SHELLFISH

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the propagation of shellfish, or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 6 – COMMUNITY PRESERVATION PROGRAM APPROPRIATIONS

To see if the Town will vote to appropriate or to reserve for later appropriation, and to authorize the Community Preservation Committee to expend or reserve, from the Community Preservation Fund available funds and FY15 Estimated Receipts as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in applications and award letters from the Community Preservation Committee, with each item considered a separate appropriation:

PROPOSED FISCAL YEAR 2015 COMMUNITY PRESERVATION BUDGET	
APPROPRIATIONS	
Purpose	Recommended Amounts
Reserve for Future Appropriation –	
A. Acquisition, creation, and preservation of Community Housing, and its rehabilitation and restoration.	\$ 50,000
B. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration.	\$ 30,000
Spending Appropriations –	
C. Open Space & Recreation Plan Update	\$ 20,000
D. Fairhaven High School – South, East & West Window Restoration Project.	\$ 50,000
E. Town Hall Sidewalk Restoration Project – William & Center Street Sides.	\$136,000
F. Historical Commission – Academy Building Restoration Project Phase 3.	\$ 2,000
G. Historical Commission – Fire Protection Building Restoration Project Phase 2	\$ 10,000

H. Bikeway Committee – Sconticut Neck Crossing Safety Project.	\$ 12,000
I. Livesey Skate Park Rehabilitation Project.	\$ 60,000
Administrative Spending Appropriation	
J. To fund the Community Preservation Committee’s annual expenses as follows: Personal Service –\$6,700; Purchase of Services – \$3,400; Supplies – \$500; Other charges/expenders – \$2,000.	\$ 12,600
Total Recommended Appropriations	\$382,600

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the existing reserves and recommended appropriations for open space, historic preservation, and community housing each exceed 10% of the Community Preservation Fund Estimated Receipts.

And, whereas Town Meeting may vote to delete any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted, vote to appropriate as a reserve for future spending from the FY 2015 Community Preservation Fund Estimated Receipts the minimum necessary amounts to allocate not less than 10% (\$50,000) for open space, not less than 10% (\$50,000) for historic preservation, and not less than 10% (\$50,000) for community housing, or take any other action relative thereto.

Petitioned by: Community Preservation Committee

ARTICLE 7 – SOCIAL DAY CARE CENTER

To see if the Town will vote 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 the Grant Account known as “Receipts Reserved for Appropriation for Social Day Program” for the purpose of providing a Social Day Program for Senior Citizens or take any other action relative thereto.

Petitioned by: The Council on Aging

ARTICLE 8 – FIRE DEPARTMENT ROOF

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to replace the roof at the Fire/Police Department headquarters. Or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 9 – FEMA GRANT FOR LADDER 1

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to apply for a five (5) percent FEMA grant to replace Ladder 1; or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 10 – HAZARDOUS MATERIALS REVOLVING FUND

To see if the Town will re-authorize a “Hazardous Materials Revolving Account” under the provisions of Massachusetts General Law Chapter 44 Section 53 E ½ 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.

Petitioned by: Fire Chief

ARTICLE 11 – WORKER’S COMPENSATION ASSESSMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to pay a MEGA 2011 Worker’s Compensation Assessment due July 1, 2014 for the period of 2003-2006 or to take any other action relative thereto.

Petitioned by: The Board of Selectmen

ARTICLE 12 – WASTEWATER TREATMENT CONTRACT AMENDMENT

To see if the Town will vote 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 or to take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 13 – FEMA GRANT FOR FIREFIGHTER GEAR

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to apply for a five (5) percent FEMA grant to replace the Fire Department's firefighting gear. Or take any other action relative thereto.

Petitioned by: Fire Chief

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

To see if the Town will vote to adopt the provisions of M.G.L. Chapter 40, Section 22G, which reads in part:

Chapter 40: Section 22G. Funds received from fines for handicap parking violations; deposits in account; expenditures

Section 22G. Any city or town which has accepted the provisions of section eight J is hereby authorized to allocate all funds received from fines assessed for violations of handicap parking in said city or town to the commission on disabilities. Or take any other action relative thereto.

Petitioned by: Commission on Disability

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 Administrator that come before the committee.

(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 bylaws 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.

Or take any other action relative thereto.

Petitioned by: Town Government Study Committee

ARTICLE 16 – SEWER SYSTEM COLLECTION REHABILITATION I&I

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money 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 Ave, and Taber Street; with additional locations in the Taber Street tributary to be included if deemed necessary after CCTV is complete, or to take any other action relative thereto.

Petitioned by: Board of Public Works

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

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund future financial obligations of the Town for health insurance benefits of retirees, or to take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 18 – ROAD WORK

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to do the following roadwork, or take any other action relative thereto:

- A. **Billy’s Way** – Reconstruct and hard surface on Billy’s Way from Scoticut Neck Road to end.

Petitioned by: Alain Chat and Others

- B. **Bridge Street** – Reconstruct, hard-surface and install drainage on Bridge Street from Adams Street to Huttleston Avenue.

Petitioned by: Board of Public Works

- C. **Summit Drive** – Reconstruct, triple stone seal Summit Drive from Holiday Drive to end.

Petitioned by: Board of Public Works

- D. **Point Street** – Reconstruct, triple stone seal Point Street from Bonney Street south to end.

Petitioned by: Board of Public Works

ARTICLE 19 – SEWER COLLECTION SYSTEM PUMP STATION REHABILITATION

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to rehabilitate the South Street and Taber Street Sewer Pump Stations – Phase 2b; or to take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 20 – STATE AID TO HIGHWAYS

- A. To see if the Town will vote 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, or take any other action relative thereto.
- B. To see if the Town will vote to appropriate and transfer from available funds the sum of money 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, or to take any other action relative thereto.

Petitioned by: The Board of Public Works

ARTICLE 21 – STREET LIGHTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the installation and maintenance of the following street light or to take any other action relative thereto:

- A. One light on Upton Street, pole # 274/1

Petitioned by: Anne Silvia and Others

ARTICLE 22 – FIRE DEPARTMENT COPY MACHINE

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Fire Department to purchase a new copy machine, or take any other action relative thereto.

Petitioned by: Fire Chief

ARTICLE 23 – SUSTAINABILITY REVOLVING ACCOUNT

To see if the Town will authorize a “Fairhaven Sustainability Committee Revolving Account” under provisions of Massachusetts General Law Chapter 44 Section 53E1/2 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) dollars.

Petitioned by: Board of Selectmen

ARTICLE 24 – WIND TURBINE ELECTRICITY PURCHASE FY15

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money 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, or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 25 – INFORMATION TECHNOLOGY ADVISORY COMMITTEE

To see if the Town will vote to establish an Information Technology Advisory Committee (Committee), with the primary charges of commissioning an IT needs assessment and advising the Town Administrator/Executive Secretary on the development, implementation, and ongoing

maintenance of an information technology strategic plan designed to meet the needs of the Town. The Committee shall be appointed by the Board of Selectmen and will be comprised of the following members:

- Town Administrator/Executive Secretary
- Board of Selectmen/Town Administrator Administrative Assistant
- Finance Director
- Director of Planning
- Department of Public Works designee
- Police Department designee
- Fire Department designee
- Assessors Office designee
- School Department designee
- At-large appointment(s)

The Board of Selectmen may at its discretion appoint additional members at any time and all appointees shall serve until they resign or are removed by the Board of Selectmen. All appointees shall have sufficient knowledge and experience in the areas of information technology and/or Town services as to contribute to achieving the Committee's charge as follows:

Assess and recommend practices, policies and acquisitions designed to maximize the effective utilization of technology including the following areas:

- Enterprise-wide hardware and software inventory control
- Procurement
- Negotiation of vendor and maintenance contracts
- Information technology-related training needs assessment
- Ongoing hardware and software training system
- Website development and social media
- Data security
- Disaster recovery
- Business continuity
- Establish electronic communications and data security policies
- Establish policies to ensure state data security law adherence

Upon formation, the committee is directed to elect from its membership a chair, vice chair and recording secretary, and is further directed to commission a comprehensive needs assessment, optionally engaging a qualified professional resource, and provide a recommendation to the Town Administrator/Executive Secretary to complete such needs assessment in a timely manner, or take any other action thereto.

Petitioned by: Town Government Study Committee

ARTICLE 26 – CAPITAL PLANNING COMMITTEE

2.3 GENERAL BY-LAW - CAPITAL PLANNING:

There shall be established 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.

The Selectmen shall appoint a Capital Planning Committee consisting of seven voting members to assist and advise the Town Administrator, or, if none, the Board of Selectmen, in preparing a five-year Capital Improvement Plan. Members shall serve terms of three years. Initially two members shall serve for one year, two for two years, and three for three years and may be re-appointed. The committee shall be comprised as follows:

- 1) Three citizens at large;
- 2) A person who is a member of the Fairhaven School Committee or an appointee thereof;
- 3) A person who represents the business, financial, or banking community;
- 4) A person with experience in the management of construction activities;
- 5) A person knowledgeable about the Town's needs in the areas of open space and recreation facilities or activities;
- 6) The Finance Director/Town Accountant and Treasurer/Collector shall serve as ex-officio non-voting members;
- 7) Town Administrator, or, if none, the Executive Secretary, shall serve as an ex-officio non-voting member.

The Capital Planning Committee shall have the following duties and authority:

- a) The committee shall study proposed capital projects, improvements, and equipment purchases that have a useful life of at least five years and cost over \$20,000;
- b) Work with town departments and officers to compile an inventory of the town's facilities, equipment, machinery and other capital assets;
- c) 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;
- d) The Committee shall 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;
- e) The Committee shall 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;

f) After presentation of the plan by the Selectmen at a public hearing, the Committee shall present the Capital Improvement Plan to the Annual Town Meeting for its approval of fiscal year expenditures;

g) The Committee shall monitor the execution of projects authorized;

h) The Committee shall explain and defend to all Town meetings dealing with capital expenditures any deviations from the capital plan. Or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 27 – HASTINGS MIDDLE SCHOOL FLOORS

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money for the abatement of tile flooring, as well as the installation of VCT flooring in the hallways of the Hastings Middle School, or to take any other action relative thereto.

Petitioned by: School Department

ARTICLE 28 – TOWN HALL REPAIRS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for Town Hall repairs, including the auditorium, or take any other action relative thereto.

Petitioned by: Board of Selectmen

ARTICLE 29 – CULTURAL COUNCIL FUNDING

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Fairhaven Cultural Council, or to take any other action thereto.

Petitioned by: Fairhaven Cultural Council

ARTICLE 30 – HISTORICAL COMMISSION

A. To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for the Historical Commission to defray expenses incurred pursuant to its duties to promote, protect and preserve the heritage of Fairhaven; and

B. For the continued repairs, maintenance, improvements and utilities of the Academy Building; and

C. For the continued repairs, maintenance, improvements and utilities of the Fire Museum; and

D. For the continued repairs, maintenance, improvements and utilities at Fort Phoenix; and

E. For the continued repairs, maintenance, and improvements of the Old Stone School House;

F. For the replacement of the south exposure roof of the Academy Building.

Petitioned by: The Historical Commission

ARTICLE 31 – RESTRUCTURING THE BOARD OF PUBLIC WORKS

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 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 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:

Board of Public Works

SECTION 1. There shall be established in the Town of Fairhaven, a Board of Public Works, hereinafter called the Board, consisting of five members elected at large. Upon the expiration of the term of any member, his successor shall be elected at an annual Town election to serve for a term of three years. In all cases the members of the Board shall serve until their successors are qualified. The members of the Board shall, after each annual Town Election, elect from among its members a chairperson and a clerk for the ensuing year. In the case of a vacancy, the Board of Selectmen shall, within thirty days, fill such vacancy until the next annual Town Election, when a member shall be elected to fill an unexpired term resulting from such vacancy. No person shall serve on the Board who holds an elected or appointed office in said Town other than Town Meeting member and no employee of the Town shall serve on the Board.

SECTION 2. The Town Administrator shall have all those powers and duties which, previous to the effective date of this act, were vested in the Board of Public Works, and such powers and duties as have been, or may from time to time be, vested by general or special laws, Town charter or Town by-laws in the following boards, departments and offices having corresponding powers and duties in the Town of Fairhaven, to wit: Highway Department, Water and Sewer Commissioners, Park Commissioners, Cemetery Commissioners, Refuse and Garbage Collection, and with respect to construction and maintenance only, the Town landfill, notwithstanding that such boards, offices and departments have been abolished. No contracts or liabilities in force on the effective date of this act shall be affected by such abolition, but the Town Administrator shall in all respects be the lawful successor of the Board of Public Works.

The Town Administrator shall have such additional powers with respect to the furnishing of engineering services, the maintenance and repair of Town buildings and property, and the performance of such duties of any other boards, departments and offices of the town as may be reasonably related to the duties and responsibilities of a Board of Public Works, as the Town may, from time to time, by by-law provide, and other provisions of law to the contrary notwithstanding.

Notwithstanding any other provisions of this act to the contrary, those duties previously vested in the Board of Public Works for the setting of rates and fees, for the negotiation of collective bargaining agreements, and for the issuance of licenses, permits, variances and similar forms of regulatory approval, shall be vested in the Board of Selectmen for the Town of Fairhaven.

SECTION 3. The Town Administrator, subject to review and approval by the Board of Selectmen, shall appoint and fix the compensation of a Superintendent of Public Works who shall exercise and perform, under the supervision and direction of the Town Administrator, such powers, rights and duties transferred to him under sections two and three as the Town Administrator may, from time to time, designate. He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the Town Administrator, with the review and approval of the Board of Selectmen, and he shall not be subject to any provisions of chapter thirty-one of the General Laws. He shall be specially fitted by education, training and experience to perform the duties of said office, and need not be a resident of the town. During his tenure he shall hold no elective office nor shall he be engaged in any other business or occupation. He shall give to the Town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his duties, in such sum and upon such conditions as the Town Administrator may require, and shall, subject to the approval of the Town Administrator, appoint and may remove such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require. He shall keep full and complete records of the doings of his office and render to the Town Administrator as often as the Town Administrator may require a full report of all operations under his control during the period reported upon; and annually, and from time to time as required by the Town Administrator, he shall make a synopsis of such reports for publication. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties, and shall furnish to the Town Administrator each year upon his request a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

SECTION 4. In the performance of his duties hereunder the Town Administrator shall consult with the Board on such proposed actions as he deems appropriate and, except in the case of an emergency, he shall submit a written proposal to the Board at least fourteen days in advance, for its review and comments, on the following proposed actions:

- Contract for engineering or other design services
- Contract for Public Works or public building
- Hiring or removal of the superintendent or of an assistant superintendent
- Contract for goods or services in excess of \$100,000

The Superintendent of Public Works and Town Administrator shall consult with the Board of Public Works for the purposes of receiving advice and assistance in the preparation of the department budget and in developing policy guidelines for the operation of the Department of Public Works, and the Board of Public Works shall perform such other advisory functions related to the department of Public Works as the Town Administrator or Superintendent may request. In addition to the foregoing duties, the Board shall serve as a citizen advocacy board. The Board shall hold regularly scheduled public meetings to hear requests for assistance and

information from the public, and the Board shall advise the Town Administrator, Superintendent or the Board of Selectmen, as appropriate, as to the resolution of such requests in a timely manner.

SECTION 5. A reference to the Board of Public Works for the Town of Fairhaven in the provisions of any collective bargaining agreement relating to an appeal, review or hearing in any grievance, disciplinary or similar process shall be deemed to refer to the Board of Selectmen for the Town of Fairhaven, and any other reference to the Board of Public Works for the Town of Fairhaven in the provisions of any such collective bargaining agreement shall be deemed to refer to the Town Administrator.

SECTION 6. This act shall be submitted to the registered voters of the Town of Fairhaven at any Annual or Special Town Election, and shall take effect upon its acceptance by a majority of the voters voting thereon. The vote shall be taken in precincts by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed, in case of a special election, upon the ballot to be used at said election, or, in case of an annual election, upon the official ballot to be used for the election of Town officers: "Shall an act passed by the General Court in the year _____, entitled " _____", be accepted by this Town?"

SECTION 7. If this act is rejected by the registered voters of the Town of Fairhaven when submitted to said voters under section six, it may again be submitted for acceptance in like manner from time to time to such voters at any Annual Town Election in said Town within three years thereafter, but not more than three times in the aggregate.

Or to take any other action thereto.

Petitioned by: Town Government Study Committee

ARTICLE 32 – PUBLIC WORKS BUILDING DOOR REPLACEMENT

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to replace six doors at the Public Works Building or to take any other action relative thereto.

Petitioned by: Board of Public Works

ARTICLE 33 – HOPPY’S LANDING REVOLVING ACCOUNT

To see if the Town will authorize a “Hoppy’s Landing Revolving Account” under the provisions of Massachusetts General Law Chapter 44 Section 53 E ½ 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.

Petitioned by: Board of Selectmen

ARTICLE 34 – TRANSFER FROM SURPLUS REVENUE

To see if the Town will vote to transfer a sum of money from Surplus Revenue for the reduction of the tax levy, or take any other action relative thereto.

ARTICLE 35 – REPORT OF COMMITTEES

To hear and act upon the reports of any committees, or committee appointed in Town Meeting and to choose any committees or committee the Town may think proper and to raise and appropriate a sum of money for the expense of same, or to take any other action with relation to either of said matters, as the Town may deem necessary and proper.

ARTICLE 36 – OTHER BUSINESS

To act upon any other business which may legally come before this meeting.

And you are hereby directed to serve this warrant by posting an attested copy thereof on or near the front or main entrance of the polling place in Precinct 1, Town Hall; and on or near the entrance of the polling place in Precinct 2, Fairhaven High School, 12 Huttleston Ave; and on or near the entrance of the polling place in Precinct 3 and 4, Elizabeth I. Hastings Middle School, School Street; and on or near the front or main entrance of the polling place in Precinct 5, Recreation Center, 227 Huttleston Ave; and on or near the entrance of the polling place in Precinct 6, East Fairhaven School, 2 New Boston Road, seven days at least prior to the date of the meeting.

HEREOF FAIL NOT, and make due return of this warrant to the Town Clerk at the time and place of the meeting aforesaid.

Given under our hands this _____ day of March in the year two thousand fourteen.

Selectmen of Fairhaven,

A true copy, ATTEST:

Constable of Fairhaven