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ANNUAL TOWN MEETING

May 3, 2014

ARTICLE 26: CAPITAL PLANNING COMMITTEE

Dear Town Meeting Members:

The Board of Selectmen would like to inform you that “Article 26 – Capital Planning Committee” has been substantially altered from the original version on the warrant that was mailed to you for the following reasons:

1. The Article has been reformatted and numbered by Town Counsel to match Town Code format so that, if approved, it will be ready to be inserted directly into the Town Code.
2. Language has been altered in certain areas by Town Counsel in the best interest of the Town
3. The Composition of the Committee has been altered based on feedback we received, most notably from meeting with the Finance Committee.

In the end, we feel this final version of the Article attached will be a much stronger by-law for the Town, if approved.

The Board of Selectmen will ask that Town Meeting waive reading the Article in its entirety. If that waiver is not approved then the new Capital Planning Article will be read into the record in its entirety.

We apologize for any inconvenience this may cause but we feel very strongly that these revisions are important and that it is important for the Town to move forward with mid-to-long term capital planning and we wish not to wait for another Town Meeting to begin moving in that direction.

Respectfully Yours,

Board of Selectmen

Chapter 40 - CAPITAL PLANNING:

S __-1. Capital Improvement Program

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.

S __-2. Capital Planning Committee

The Selectmen shall appoint a Capital Planning Committee (“Committee”) consisting of seven voting members, and three or more non-voting ex officio members, to assist and advise the Town Administrator in preparing a five-year Capital Improvement Plan. The voting members shall serve terms of three years. Initially two voting members shall serve for one year, two for two years, and three for three years, and they may be re-appointed. The Committee shall be comprised as follows:

A. Voting Members:

- 1) One member of the Board of Public Works or an appointee thereof.
- 2) A person who is a member of the Fairhaven local School Committee or an appointee thereof;
- 3) A resident of Fairhaven who represents the business, financial, or banking community;
- 4) A resident of Fairhaven with experience in the management of construction activities;
- 5) A resident of Fairhaven knowledgeable about the Town's needs in the areas of open space and recreation facilities or activities;
- 6) The Finance Director / Treasurer/Collector
- 7) The Town Administrator or Executive Secretary and
- 8) Such other non-voting ex officio members as the Selectmen deem appropriate from time-to-time.

S__-3.Duties of the Committee

The Committee shall:

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

- e) Present the Capital Improvement Plan to the Annual Town Meeting for its approval of fiscal year expenditures;
- f) Monitor the execution of projects authorized;
- g) Explain and defend to the Town Meeting any deviation which the Committee proposes from the Capital Improvement Plan

S__-4. Report of Anticipated Capital Outlays to the Committee

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.

S__-5. Public Hearing on the Capital Improvement Plan

After the annual presentation of the Capital Improvement Plan by the Committee to the Selectmen, the Board of Selectmen shall, within 30 days of the receipt of the plan, hold a public hearing to present the plan for public comment,

S__-6. Appropriation for Capital Improvements

No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement has been considered in the Committee's Capital Improvement Plan, or the Committee has submitted a report to the Board of Selectmen explaining the omission of the proposed capital improvement from its Plan.

S__-7. Expenditures in Preparation for Capital Improvements

Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future. Notwithstanding the provisions of this section, the Town may appropriate and expend funds for the purchase of land regardless of when improvements to, or use of, the land by the Town is anticipated.