

**WARRANT AND REPORT OF THE FINANCE COMMITTEE
FOR THE SPECIAL TOWN MEETING
SATURDAY, MAY 3, 2014 AT 9:15 A.M.
AT THE ELIZABETH I. HASTINGS MIDDLE SCHOOL**

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, s.s

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 on town affairs to meet as follows:

On Saturday, the third day of May 2014 at 9:15 a.m. in the Walter Silveira Auditorium at the Elizabeth I. Hastings Middle School, then and there, to act upon the following articles:

ARTICLE 1 – TOWN CHARGES

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund additional salary and operating expenses for the following departments. Said sum to be added to previously voted appropriations for FY 2014, or to take any other action relative thereto.

GENERAL GOVERNMENT

1. Veteran's Services
 - B. Purchase of Services
Request: \$30,000.00 Recommend: At Town Meeting
2. Legal Expenses
Request: \$28,000.00 Recommend: \$28,000.00
3. Fire Department
 - A. Salaries and Wages
Request: \$30,000.00 Recommend: \$30,000.00

ARTICLE 2 – 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 January 1, 2014 and to supplement the appropriation of Article 4 of the Annual Meeting, May 4, 2013 for FY14.

- | | Request | Recommend |
|--|-----------------|-----------------|
| 1. Town Clerk
(Fix compensation rate) | 1. \$ 51,813.64 | 1. \$ 51,813.64 |

		Request	Recommend
2.	a. Salary – Town Clerk (<i>from \$51,679.40 to \$51,813.64</i>)	2. \$ 134.24	2. \$ 134.24

ARTICLE 3 – FUNDING LABOR CONTRACTS – 2014

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

1. Dispatcher Union - New England Police Benevolent Association, Local 64
 - a. Salaries and Wages
Request: Pass Over Recommend: Pass Over
2. Fire Department - International Association of Firefighters, AFL-CIO, Local 1555
 - a. Salaries and Wages
Request: At Town Meeting Recommend: At Town Meeting
 - c. Supplies
Request: At Town Meeting Recommend: At Town Meeting

ARTICLE 4 – ROGERS-OXFORD SCHOOLS FISCAL YEAR 2015

To see if the Town will vote to raise and appropriate, borrow or transfer a sum of money to maintain the vacant Rogers and Oxford Schools during Fiscal Year 2015, including repairs, electricity, telephone, security, alarms, etc., and any other associated costs or take any other action relative thereto.

Petitioned by: Board of Selectmen
Request: \$8,000.00
Recommend: \$8,000.00

ARTICLE 5 – MILLICENT LIBRARY WEST CHIMNEY REPAIRS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$16,500 for the remainder of the cost of the repairs to the granite and terra cotta on the west chimney of the Millicent Library.

Or take any other action relative thereto.

Petitioned by: Library Director
Request: \$16,500.00
Recommend: \$16,500.00

ARTICLE 6 – COMMUNITY PRESERVATION COMMITTEE APPROPRIATIONS

To see if the Town will vote to appropriate and to authorize the Community Preservation Committee to expend from the Community Preservation Fund available 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:

APPROPRIATIONS	
Purpose	Recommended Amounts
Spending Appropriations –	
A. Millicent Library – Exterior Restoration Project Phase I	\$ 197,000
B. Town Hall Table Restoration Project	\$ 2,500
C. Academy Building Roof Project	\$17,000
Total Recommended Appropriations	\$216,500

Petitioned by: Community Preservation Committee

<i>Request:</i>	A.	\$197,000.00	<i>Recommend:</i>	A.	\$197,000.00
	B.	\$2,500.00		B.	At Town Meeting
	C.	\$17,000.00		C.	\$17,000.00

ARTICLE 7 – FLOOD PLAIN BYLAW AMENDMENT

To see if the Town will 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.

Petitioned by: Planning Board

Request: Adoption

Recommend: Yield to Petitioner

ARTICLE 8 – ADAMS STREET EASEMENT PETITION

To see if the Town will vote 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 (32) feet east of Adams Street.

Or take any other action relative thereto.

Petitioned by: Jeffrey Antil and Others

Request: Adoption

Recommend: Yield to Petitioner

ARTICLE 9 – ROGERS AND OXFORD SCHOOLS – ASSET EVALUATION

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds \$5,000 for the purpose of having a study conducted to develop a document that describes and evaluates the assets of the Rogers and Oxford Schools.

Or take any other action relative thereto.

Petitioned by: Rogers-Oxford Study Committee

Request: \$5,000.00

Recommend: Indefinite Postponement

ARTICLE 10 – MEDICAL MARIJUANA SALES TAX (5%)

To see if the Town will vote 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.

Or take any other action relative thereto.

Petitioned by: Board of Selectmen
Request: Adoption
Recommend: Adoption

ARTICLE 11 – AQUACULTURE LICENSE FEES PETITION

To see if the Town will petition State legislature to allow the Town of Fairhaven to charge up to \$200 per acre for shellfish aquaculture licenses granted under Chapter 130 of Massachusetts General Laws, as has been done in other communities.

Or take any other action relative thereto.

Petitioned by: Board of Selectmen
Request: Adoption
Recommend: Adoption

ARTICLE 12 – TOWN GOVERNMENT STUDY COMMITTEE CONTINUATION FY15

To see if the Town will authorize the Town Government Study Committee (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, committees 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, and to see if the Town vote to raise and appropriate, borrow or transfer from available funds a sum of \$5,000.00 to pay for the expenses of such Committee, or take any other action relative thereto.

Petitioned by: Town Government Study Committee
Request: \$5,000.00
Recommend: At Town Meeting

ARTICLE 13 – WEST ISLAND DEFIBRILATOR

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

Petitioned by: Board of Public Works
Request: \$1,245.00
Recommend: At Town Meeting

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.

Or take any other action relative thereto.

Petitioned by: Fairhaven Emergency Management Agency
Request: \$6,000.00
Recommend: Indefinite Postponement

ARTICLE 15 – UPTON STREET LIGHT

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 # 274/2

Petitioned by: Board of Selectmen
Request: \$750.00
Recommend: \$750.00

ARTICLE 16 – UNION WHARF LAND EXCHANGE

To see if the Town will authorize the Selectmen 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, or take any other action relative thereto.

Petitioned by: Board of Selectmen
Request: Adoption
Recommend: At Town Meeting

ARTICLE 17 – DEMOLITION OF SCHOOL PORTABLES AND 89 MAIN STREET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to demolish the three portable classrooms at the Rogers School, one portable at the Oxford School and the house at 89 Main Street or take any other action relative thereto.

Petitioned by: Board of Selectmen
Request: \$20,000.00
Recommend: \$20,000.00

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's Personnel Board or take any other action relative thereto.

Petitioned by: Board of Selectmen
Request: \$8,000.00
Recommend: Indefinite Postponement

ARTICLE 19 – OTHER BUSINESS

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