

**WARRANT AND REPORT OF THE FINANCE COMMITTEE
FOR THE SPECIAL TOWN MEETING
SATURDAY, MAY 5, 2012 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 fifth day of May 2012 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 2012, or to take any other action relative thereto.

GENERAL GOVERNMENT

1. Treasurer

a.	Salary and Wages	
	Request: \$1,524.00	Recommend: \$1,524.00

2. Tax Title

Request: \$10,000.00	Recommend: \$10,000.00
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3. Legal Expenses

Request: \$35,000.00	Recommend: \$35,000.00
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4. Highway Department

e.3.	Equipment Purchase – Street Sweeper	
	Request: \$121,000.00	Recommend: \$121,000.00

5. Veterans Services

b.	Purchase of Services	
	Request: \$11,000.00	Recommend: \$11,000.00
d.	Other Charges/Expenses	
	Request: \$8,000.00	Recommend: \$8,000.00

ARTICLE 2 – FUNDING LABOR CONTRACTS – 2012

To see if the Town will vote to supplement the appropriations by adoption of Article 4 of the Annual Town Meeting, May 7, 2011 for the purpose of funding the cost in FY 2012 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.

2. Sewer Department - Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59

a. Salaries and Wages

Request: At Town Meeting

Recommend: At Town Meeting

3. Water Division - Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59

a. Salaries and Wages

Request: At Town Meeting

Recommend: At Town Meeting

ARTICLE 3 – FUNDING LABOR CONTRACTS – 2013

To see if the Town will vote to supplement the appropriations by adoption of Article 4 of the Annual Town Meeting, May 5, 2012 for the purpose of funding the cost in FY 2013 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. Clerical Union - AFSCME AFL-CIO, Local 851 and to authorize the Town Accountant to allocate the funds to the various affected departments.

a. Salaries and Wages

Request: \$6,520.00

Recommend: \$6,520.00

2. Highway Division and Park Division - Council 93, American Federation of State, County & Municipal Employees AFL/CIO Local 851.

a. Salaries and Wages Highway Division

Request: At Town Meeting

Recommend: At Town Meeting

a. Salaries and Wages Park Division

Request: At Town Meeting

Recommend: At Town Meeting

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

a. Salaries and Wages

Request: At Town Meeting

Recommend: At Town Meeting

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

a. Salaries and Wages

Request: At Town Meeting

Recommend: At Town Meeting

ARTICLE 4 – WATER BUDGET

To see if the Town will vote to appropriate from Water Retained Earnings a sum of money (\$33,000.00) to supplement the Fiscal Year 2012 Water Budget.

Petitioned by: Director of Finance

Request: \$33,000.00

Recommend: \$33,000.00

ARTICLE 5 – CUSHMAN PARK EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation which would authorize the Town to convey an easement in that portion of Cushman Park described as follows:

A certain parcel of land in Fairhaven, Bristol County, Massachusetts, shown as a triangular parcel owned by Fred Andrews on a plan entitled "Plan To Accompany Taking By The Town of Fairhaven under Chapter 106 of Acts of Year 1903" said plan recorded at the Bristol County Registry of Deeds SD at Book 6 Page 8 and which is further bounded and described as follows:

Beginning at the southwest intersection of Bridge and Green Street;

Thence by the westerly sideline of Green St 91.50 feet to a drill hole and land now or formerly owned by William F Nye;

Thence turning westerly by Land of said Nye 20.00 feet to land now or formerly of Fred Andrews;

Thence turning in a northerly direction by land of said Andrews 86.59 feet to the point of beginning;

Containing 3.17 Rods or 871 square feet more or less.

That easement is to be conveyed to the then current owner of the abutting property appearing at Fairhaven Assessors' Map 12 Lot 60, and known as 188 Green Street, Fairhaven, and in perpetuity to his successors and assigns in title to that abutting property. The consideration for such conveyance shall be a release of the Town, and its officers, agents and employees, from any and all claims of any sort whatsoever and without limitation, arising out of, or in any way relating to, any claim of right, title or of any other interest in, or to the actual possession, use or occupancy of, either (a) the parcel subject to easement, or (b) any other portion of the parcel appearing at Fairhaven Assessors' Map 2 Lot 61, and known as Cushman Park. The easement and release shall each be in a form satisfactory to the Board of Selectmen in its sole discretion.

or to take any other action thereon.

Petitioned by: The Board of Selectmen

Request: Adoption

Recommend: Yield to Petitioner

ARTICLE 6 – STABILIZATION – AMBULANCE

To see if the Town will vote to establish a Stabilization Fund under the provisions of Massachusetts General Laws Chapter 40 Section 5B for the purpose of purchasing a new ambulance, and to fund this article the Treasurer is authorized on July 1, 2012 to transfer \$40,000.00 from the receipts reserved for appropriation – Ambulance into this fund. Or to take any other action thereon.

Petitioned by: Director of Finance

Request: \$40,000.00

Recommend: Indefinite Postponement

ARTICLE 7 – ANAEROBIC DIGESTER

To see if the Town will vote to raise and appropriate, borrow or transfer \$300,000.00 to complete the Anaerobic Digester and Combined Heat and Power Project at the Wastewater Treatment Facility or to take any other action thereto.

Petitioned by: Board of Public Works

Request: \$300,000.00

Recommend: \$300,000.00

ARTICLE 8 – WIND TURBINE MORATORIUM

We the registered voters of the town of Fairhaven, petition the town meeting to vote to immediately place a moratorium, to continue for one year following the date of this vote, to direct all elected Board members within the town of Fairhaven, and all appointed officials or employees of the Town of Fairhaven, to take all actions necessary, to cease, suspend and otherwise prohibit the permitting, construction, installation, and contract negotiation for the siting of any industrial-sized commercial or municipal wind turbines anywhere within the borders of the town of Fairhaven, on public or private land, under the present wind turbine by-laws or zoning by-laws by special permit, building permit or otherwise; and to direct the Fairhaven Planning Board during this one year period to comprehensively review the existing wind turbine by laws, and other zoning by-laws which permit wind turbines within the town of Fairhaven.

Petitioned by: Kenneth Pottel

Request: Adoption

Recommend: Yield to Petitioner

ARTICLE 9 – DRAINAGE EASEMENT ACQUISITION – ELLIOT LANE

To see if the Town will vote to authorize the Board of Selectmen of the Town of Fairhaven to accept as a gift or in any other manner acquire a drainage easement in and under that certain parcel of property owned by Jostein Mjølhus, Else Mjølhus, Malvin Kvilhaug and Berit

Kvilhaug for the municipal purpose of the improvement of drainage in the Elliott Lane area of Town, said easement area being described as:

Beginning at the southeast corner of land now or formerly of Macedo said point being the southwest corner of easement area to be described shown on a plan hereinafter referred to:

THENCE, N 34 32 53 W by said Macedo land ninety-nine (99) feet to the southerly line of Elliot Lane;

THENCE, N 84 07 34 E by said southerly line of Elliot Lane ten (10) feet;

THENCE, S 34 32 53 E ninety-nine (99) feet to the northerly side line of Bridge Street;

THENCE, southwesterly in the northerly sideline of Bridge Street ten (10) feet to the point of beginning

CONTAINING 990 square feet, more or less and being shown on a Plan entitled “42 Bridge Street, Fairhaven, Massachusetts, Utility Easement Plan”, prepared by GCG Associates, Inc., Wilmington, Massachusetts dated March 6, 2012;

or to take any other action relative thereto.

Petitioned by: The Board of Selectmen

Request: Adoption

Recommend: Yield to Petitioner

ARTICLE 10 – ALL ALCOHOL LICENSE

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the passage of legislation authorizing the issuance of a Restaurant/All Alcohol License to Total Confection LLC, in the Town of Fairhaven, notwithstanding any limitations on the number of licenses issued under the provisions of Chapter 138 of the Massachusetts General Laws as amended. This license is non-transferable to another location, but the licensing authority may grant the license to a new applicant at the same location.

Petitioned by: Tammy Sobral and Others

Request: Adoption

Recommend: Yield to Petitioner

ARTICLE 11 – STABILIZATION – BOULDER PARK SEWER BETTERMENT

To see if the Town will vote to establish a Stabilization Fund under the provisions of Massachusetts General Laws Chapter 40 Section 5B for the purpose of depositing funds received for the early payoffs of sewer betterments for Boulder Park and that the Treasurer is authorized to transfer \$27,809.00 into this fund from account number 029-000-3212-0000.

Petitioned by: Director of Finance
Request: \$27,809.00

Recommend: \$27,809.00

ARTICLE 12 – STABILIZATION – SCONTICUT NECK SEWER BETTERMENT

To see if the Town will vote to establish a Stabilization Fund under the provisions of Massachusetts General Laws Chapter 40 Section 5B for the purpose of depositing funds received for the early payoffs of sewer betterments for Sconticut Neck and that the Treasurer is authorized to transfer \$1,751,941.00 into this fund from 029-000-3242-0000.

Petitioned by: Director of Finance
Request: \$1,751,941.00

Recommend: \$1,751,941.00

ARTICLE 13 – STABILIZATION – NANCY STREET SEWER BETTERMENT

To see if the Town will vote to establish a Stabilization Fund under the provisions of Massachusetts General Laws Chapter 40 Section 5B for the purpose of depositing funds received for the early payoffs of sewer betterments for Nancy Street and that the Treasurer is authorized to transfer \$206,246.00 into this fund from 029-000-3244-0000.

Petitioned by: Director of Finance
Request: \$206,246.00

Recommend: \$206,246.00

ARTICLE 14 – STABILIZATION – WEST ISLAND SEWER BETTERMENT

To see if the Town will vote to establish a Stabilization Fund under the provisions of Massachusetts General Laws Chapter 40 Section 5B for the purpose of depositing funds received for the early payoffs of sewer betterments for West Island Sewer Project and that the Treasurer is authorized to transfer \$128,754.00 into this fund from 029-000-3245-0000.

Petitioned by: Director of Finance
Request: \$128,754.00

Recommend: \$128,754.00

ARTICLE 15 – OTHER BUSINESS

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