

**WARRANT AND REPORT OF THE FINANCE COMMITTEE
FOR THE SPECIAL TOWN MEETING
TUESDAY, DECEMBER 4, 2012 AT 7:00 P.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 Tuesday, the fourth day of December 2012 at 7:00 p.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 2013, or to take any other action relative thereto.

GENERAL GOVERNMENT

1. Treasurer

- a. Salary and Wages
Request: \$ 25,000.00

Recommend: \$ 22,951.00

2. Highway

- a. Purchase of Services
Request: \$ 6,000.00

Recommend: Indefinite Postponement

3. Conservation Commission

- a. Salary and Wages
Request: \$ 2,000.00

Recommend: At Town Meeting

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.

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

- a. Salaries and Wages
Request: \$ 6,864.00

Recommend: \$6,864.00

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

a. Salaries and Wages

Request: \$14,915.00

Recommend: \$14,915.00

ARTICLE 4 – UNPAID BILLS OF PRIOR YEAR

To see if the Town will vote to raise and appropriate a sum 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, or take any other action relative thereto:

A. Gail Karanikolas Perry

Petitioned by: Fire Chief

Request: \$ 57.25

Recommend: \$ 57.25

(9/10)

ARTICLE 5 – RENOVATION AND ADDITION TO GREATER NEW BEDFORD REGIONAL SCHOOL

To see if the Town will vote to approve the \$17,099,808 borrowing authorized by the Greater New Bedford Regional Vocational Technical School District, for the purpose of paying costs of an addition/renovation at 1121 Ashley Blvd., New Bedford, MA 02745, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the Greater New Bedford Regional Vocational Technical High School Building Committee; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that District may receive from the MSBA for the Project shall not exceed the lesser of eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA;

Or take any other action relative thereto.

Petitioned by: GNBVRT School District

Request: Adoption

Recommend: Adoption

ARTICLE 6 – ANAEROBIC DIGESTER

To see if the Town will vote to raise and appropriate, borrow or transfer \$196,000.00 to finish 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: \$ 196,000.00

Recommend: \$ 196,000.00

ARTICLE 7 – STABILIZATION – SEWER BETTERMENT

To see if the Town will vote to transfer from Sewer Retained Earnings a sum of money to be placed in the following Sewer Betterment Stabilization Funds:

A.	Nancy Street	084-000-3282-0300	\$2,140.93
B.	Sconticut Neck	084-000-3282-0200	\$90,916.17
C.	West Island	084-000-3282-0400	\$31,568.88

Or to take any other action relative thereto.

Petitioned by: Finance Director

Request: A. \$2,140.93
B. \$90,916.17
C. \$31,568.88

Recommend: A. \$2,140.93
B. \$90,916.17
C. \$31,568.88

ARTICLE 8A – STREET ACCEPTANCES – NORTH ST, WEST TO CHERRY ST

To see if the Town will vote to accept a certain parcel of land located in Fairhaven, Bristol County, Massachusetts known as North Street and being more particularly described as follows:

Beginning at the Northeast intersection of Cherry Street and North Street;

THENCE along the northerly sideline of North Street, South 87° 53' 08" East one hundred forty eight and 66/100 (148.66) feet to a corner;

THENCE along the westerly line of North Street, North 2° 03' 57" East three and 74/100 (3.74) feet to a drill hole and a corner;

THENCE along the northerly line of North Street, South 87° 53' 08" East three hundred two and 11/100 (302.11) feet to a corner and the westerly sideline of N. Main Street;

THENCE South 02° 36' 59" West thirty six and 75/100 (36.75) feet to a corner which is seven and 00/100 (7.00) west of the westerly sideline of N. Main Street;

THENCE along the southerly sideline of North Street, North 87° 53' 08" West four hundred fifty three and 47/100 (453.47) feet to a drill hole for a corner and the point of beginning;

Containing 16,050 square feet more or less;

Or take any other action relative thereto.

The above described right of way is shown on a plan entitled "Layout of North St from N. Main St westerly to Cherry St." Scale: 1"=40'; Dated: July 2012; prepared by Kenneth R. Ferreira Engineering, New Bedford, MA.

Petitioned by: Town Planner

Request: Adoption

Recommend: Yield to Petitioner

ARTICLE 8B – STREET ACCEPTANCES – NORTH ST, EAST TO ADAMS ST

To see if the Town will vote to accept a certain parcel of land located in Fairhaven, Bristol County, Massachusetts known as North Street and being more particularly described as follows:

Beginning at the Northeast intersection of N. Main Street and North Street at the southwest corner of a stone post;

THENCE along the northerly sideline of North Street, South 87° 01' 55" East one hundred fifteen and 31/100 (115.31) feet to an angle;

THENCE continuing along the northerly sideline South 87° 57' 59" East three hundred seventy one and 40/100 (371.40) feet to an angle;

THENCE continuing along the northerly sideline South 87° 35' 00" East one thousand thirty nine and 66/100 (1039.66) feet to the westerly sideline of Adams Street;

THENCE South 11° 51' 00" West forty one and 27/100 (41.27) feet to a corner which is three and 69/100 (3.69) north of a Massachusetts Highway Bound;

THENCE along the southerly sideline of North Street, North 87° 35' 00" West one thousand one hundred thirty eight and 44/100 (1138.44) feet to a drill hole and an angle;

THENCE continuing along the southerly sideline of North Street, North 86° 38' 46" West one hundred sixty five and 95/100 (165.95) feet to a stone bound and an angle;

THENCE continuing along the southerly sideline of North Street, North 86° 51' 49" West two hundred thirty two and 10/100 (232.10) feet to the easterly sideline of N. Main street and a corner;

THENCE North 2° 36' 59" East thirty and 88/100 (30.88) feet to a stone post and the point of beginning;

Containing 59,390 square feet more or less.

The above described right of way is shown on a plan entitled “Layout of North St from N. Main St easterly to Adam St.” Scale: 1”=40’; Dated: July 2012; prepared by Kenneth R. Ferreira Engineering, New Bedford, MA.

Or take any other action relative thereto.

Petitioned by: Town Planner
Request: Adoption

Recommend: Yield to Petitioner

ARTICLE 9 – UNION WHARF BUILDING REPAIRS

To see if the Town will vote to raise, borrow or transfer \$3,600.00 to repair the north wall and roof area of the former MacLean Seafood Building.

Or take any other action relative thereto.

Petitioned by: Natural Resource Department
Request: \$ 3,600.00

Recommend: \$ 3,600.00

ARTICLE 10 – FUND BALANCE OVERLAY SURPLUS

To see if the Town will vote to transfer from the Fund Balance Overlay Surplus to Fiscal Year 2009 Overlay Account a sum of \$85,000 to cover the overlay deficit due to the Supreme Judicial Court decision regarding Verizon New England Inc. vs. Town of Fairhaven (and other communities in the Commonwealth);

Or take any other action relative thereto.

Petitioned by: Board of Assessors
Request: \$ 85,000.00

Recommend: \$ 85,000.00

ARTICLE 11 – FINANCE DIRECTOR JOB DESCRIPTION BYLAW AMENDMENT

To see if the Town will vote to amend Sections 1 and 2 of Chapter 37 of the Code of the Town of Fairhaven in order to conform to and comply with the recommendations of the Massachusetts Department of Revenue pertaining the appointment, duties, and qualifications of the Town’s Director of Finance and subject to Chapter 530 of the Acts of 1987, which authorizes the Board of Selectmen to appoint and establish a salary for a Chairman of the Board of Assessors; Chapter 531 of the Acts of 1987, which authorizes the Board of Selectmen to appoint and establish a salary for a Collector of Taxes for a term not to exceed three years; and Chapter 532 of the Acts of 1987, which authorizes the Board of Selectmen to appoint and establish a salary for a Town Treasurer for a term of one to three years; or to take any action relative thereto.

Or take any other action relative thereto.

Petitioned by: Board of Selectmen
Request: Adoption

Recommend: At Town Meeting

ARTICLE 12 – ELLIOT LANE STREET LIGHT

To see if the Town will vote to accept the maintenance of a proposed new street light and pole to be located on Elliott Lane, or to take any other action relative thereto.

Petitioned by: Town Planner
Request: Adoption

Recommend: Adoption

ARTICLE 13 – CAPITAL PROJECT BALANCE – REQUEST FOR REAUTHORIZATION

To see if the Town will vote to transfer balances remaining in accounts that were established for capital projects previously approved at Town Meeting for the purpose of School Construction Projects in accordance with Massachusetts General Laws Chapter 44, Section 20, and to use the funds for future debt service obligations thereunder;

Or to take any other action relative thereto.

- A. Fairhaven High School Construction
ATM Article 31 – May 10, 1994 – Remaining Balance: \$81,794.86
- B. East Fairhaven School Construction
ATM Article 35 – June 8, 2002 – Remaining Balance: \$176,599.90
TOTAL: \$258,394.76

These funds to be used for the New Wood School Construction Project.

Petitioned by: Board of Selectmen
Request: \$ 258,394.76

Recommend: \$258,394.76

ARTICLE 14 – FAIRHAVEN EMERGENCY MANAGEMENT AGENCY – COTS

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to purchase thirty (30) cots for the Emergency Shelter;

Or take any other action relative thereto.

Petitioned by: Emergency Management Agency
Request: \$ 1,500.00

Recommend: Indefinite Postponement

ARTICLE 15 – OTHER BUSINESS

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