

# **WARRANT**

**For Annual Town Meeting Election, Monday, April 6, 2015  
and Meeting to Act on Articles in the Warrant  
Saturday, May 2, 2015 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 6, 2015

Precinct One – Town Hall, William Street entrance  
Precinct Two – Hastings Middle School – Ash Street entrance  
Precinct Three – Hastings Middle School – Ash Street entrance  
Precinct Four – Fire Station meeting room – 146 Washington Street  
Precinct Five – Recreation Center, 227 Huttleston Avenue  
Precinct Six – Recreation Center, 227 Huttleston Avenue

In said precincts in said Town on Monday, April 6, 2015 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 Planning Board member for one-year unexpired term, one Housing Authority member for five years, one Moderator for three years, one Tree Warden for three years 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 – 1 for 1 year
Precinct Two:	24 for 3 years – 3 for 2 years – 5 for 1 year
Precinct Three:	23 for 3 years – 9 for 2 years – 6 for 1 year
Precinct Four:	25 for 3 years – 6 for 1 year
Precinct Five:	23 for 3 years – 2 for 2 years
Precinct Six	24 for 3 years – 1 for 2 years

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 2, 2015 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.

*Request:* Adoption  
*Recommend:* Adoption

## ARTICLE 2 – TOWN REPORT

To receive the Annual Report of Town Officers.

*Request:* Adoption  
*Recommend:* Adoption

## 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.

	Request	Recommend
A. Board of Selectmen (3 members)	A. \$ 15,600.00	A. \$ 15,600.00
B. Town Clerk	B. \$52,981.00	B. \$52,981.00
C. Moderator	C. \$ 800.00	C. \$ 800.00
D. Tree Warden	D. \$6,631.00	D. \$6,631.00
E. Board of Health	E. \$ 4,000.00	E. \$ 4,000.00

Or take any other action relative thereto.

## ARTICLE 4 – TOWN CHARGES

## ARTICLE 5 – FY16 GENERAL FUND CAPITAL PLAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the following Capital Equipment/Projects from the General Fund for FY2016 or take any other action relative thereto:

A. Replacement of Two (2) Police Cruisers	\$70,400.00
B. Highway Equipment	
1. Replace 1991 Ford 350 #13	\$55,000.00
2. Replace 1994 GMC C1500 #35	\$45,000.00
3. EZ Screen XL	\$44,000.00
C. Hastings Middle School 8 <sup>th</sup> Grade Wing Floors	
Abate and replace VCT Flooring	\$151,440.00
D. Town Hall Refurbish Floors	\$20,000.00
E. Police Pick-up Truck	<u>\$36,928.00</u>
<u>Total:</u>	\$422,768.00

*Petitioned by:* Capital Planning Committee

#### **ARTICLE 6 – WATER ENTERPRISE CAPITAL PLAN**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money from the Water Enterprise Account to fund the following Capital Equipment/Projects for FY2016 or take any other action relative thereto:

A. Engineering – Water Main Replacement – West Island Causeway	\$40,000.00
B. Water Main Construction – West Island Causeway	\$150,000.00
C. Tinkham Lane Well Improvements	\$60,000.00
D. Replacement of 1997 Ford Utility Truck #132	<u>\$44,000.00</u>
	\$294,000.00

*Petitioned by:* Capital Planning Committee

#### **ARTICLE 7 – SEWER ENTERPRISE CAPITAL PLAN**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money from the Sewer Enterprise Account to fund the following Capital Equipment/Projects for FY2016 or take any other action relative thereto:

A. Wastewater Treatment Plant Nitrogen Pilot Study	\$50,000.00
B. Abbey/Manhattan/Marguerite/Pilgrim/Railroad Pump Station Equipment Evaluation	\$140,000.00
C. Engineering Sewer System Phase 2 <i>Howland Road south to Pilgrim Ave, Alden Road west to Acushnet River</i>	\$80,000.00
D. Engineering Sewer System Phase 3 <i>Howland Road south to Pilgrim Ave, Alden Road west to Acushnet River</i>	\$65,000.00
E. Replace Sewer – Francis Street	\$50,000.00
F. Replacement of 2000 Ford Pickup #48	<u>\$44,000.00</u>
	\$429,000.00

*Petitioned by:* Capital Planning Committee

#### **ARTICLE 8 – CAPITAL STABILIZATION FUND**

- A. To see if the Town will vote to create a Capital Stabilization Fund for the purpose of funding any capital-related project or piece of equipment or debt service payment related thereto, as authorized by Chapter 40, Section 5B of the General Laws or to take any other action relative thereto.

*Petitioned by:* Capital Planning Committee

- B. To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be deposited in the Capital Stabilization Fund as authorized by Chapter 40, Section 5B of the General Laws, or take any other action relative thereto.

*Petitioned by:* Capital Planning Committee

## **ARTICLE 9 – ROADWORK**

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. Akin Street – Reconstruct, hard-surface and install drainage on Akin Street from Route 6 to Dartmouth Street.

*Petitioned by:* Board of Public Works

- B. Billy's Way – Reconstruct and hard-surface Billy's Way from Sconticut Neck Road west to end.

*Petitioned by:* Alain LaChat and Others

- C. Bluepoint Road – Reconstruct and hard-surface and install drainage on Bluepoint Road from Fir Street to Almond Street.

*Petitioned by:* Robert Connaughton and Others

- D. Brown Street – Reconstruct, hard-surface and install drainage on Brown Street from Hopkins Street westerly 246 feet.

*Petitioned by:* Daniel Corcoran and Others

- E. Elm Ave – Reconstruct, hard-surface and install drainage on Elm Avenue from Green Street to Adams Street

*Petitioned by:* Board of Public Works

- F. Hopkins Street – Reconstruct, hard-surface and install drainage on Hopkins Street from Howland Road to Brown Street 190 feet.

*Petitioned by:* Robert Connaughton and Others

- G. Winsegansett/Sippican Street – Reconstruct and hard-surface Winsegansett Ave from Sippican Street to the end, 205 feet, and Sippican Street from the intersection of Winsegansett Ave to the end, 280 feet.

*Petitioned by:* Alex Kalife and Others

## **ARTICLE 10 – 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 \$\_\_\_\_\_ 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 11 – FEMA GRANT FOR LADDER 1 – 5% MATCH**

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

*Petitioned by:* Fire Chief

#### **ARTICLE 12 – 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 2016 shall not exceed one hundred thousand (\$100,000.00) dollars.

Or take any other action relative thereto.

*Petitioned by:* Fire Chief

#### **ARTICLE 13 – AMBULANCE STABILIZATION**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to be deposited in an Ambulance Stabilization Fund as authorized by Chapter 40 Section 5B of the General Laws, or take any other action relative thereto.

*Petitioned by:* Board of Selectmen

#### **ARTICLE 14 – 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 2016 shall not exceed ten thousand (\$10,000) dollars.

Or take any other action relative thereto.

*Petitioned by:* Board of Selectmen

## **ARTICLE 15 – 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 16 - BYLAW AMENDMENT PETITION – WIRELESS COMMUNICATIONS – PARK**

To see if the Town will enact the following amendments to the Zoning Bylaw Chapter 198 Section 16, Use Regulations Schedule, to allow Wireless Communications Facilities as a Special Permit in the Park District t. The additions are indicated in text that is **(bold and underlined)**. The deletions are indicated in strikethroughs (~~aaaa~~), or take any other action relative thereto.

### **§ 198-16 – Use Regulation Schedule**

#### Use Regulation Schedule

District

Activity or Use P

Wireless Communications Facilities ~~N~~ A

*Petitioned by:* Tom Melanson and Others

## **ARTICLE 17 – BPW DOOR REPLACEMENTS**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to replace two (2) doors at the Public Works Building or to take any other action relative thereto.

*Petitioned by:* Board of Public Works

## **ARTICLE 18 – 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 2016 shall not exceed twenty five thousand (\$25,000.00) dollars.

Or take any other action relative thereto.

*Petitioned by:* Board of Selectmen

#### **ARTICLE 19 – SOCIAL DAY CARE CENTER**

To see if the Town will vote to authorize the Fairhaven Council on Aging to expend in the Fiscal Year 2016 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 20 – 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 FY16 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:

<b>PROPOSED FISCAL YEAR 2016 COMMUNITY PRESERVATION BUDGET</b>	
<b>APPROPRIATIONS</b>	
<b>Purpose</b>	<b>Recommended Amounts</b>
<b>Reserve for Future Appropriation –</b>	

<b>A.</b> Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration.	\$ 50,000
<b>Spending Appropriations –</b>	
<b>B.</b> Fairhaven Housing Authority – Oxford Terrace – Heating System Modernization Project.	\$ 100,000
<b>C.</b> Town Hall Sidewalk Restoration Project – Walnut Street Side and Library Sidewalk Restoration Project – Center Street Side.	\$165,000
<b>D.</b> Fairhaven High School – Cushman Park Track Resurfacing Project.	\$65,000
<b>E.</b> Historical Commission – Ft. Phoenix Revetment Wall & Magazine Earthen Parapet Restoration Project.	\$105,000
<b>F.</b> Bikeway Committee – Bike Path Safety Signage Project.	\$ 3,000
<b>Administrative Spending Appropriation</b>	
<b>G.</b> 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
<b>Total Recommended Appropriations</b>	<b>\$500,600</b>

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 2016 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.

<i>Petitioned by:</i>		Community Preservation Committee			
<i>Request:</i>	A.	\$ 50,000	<i>Recommend:</i>	A.	\$ 50,000
	B.	\$ 100,000		B.	\$ 100,000
	C.	\$165,000		C.	\$165,000
	D.	\$65,000		D.	\$65,000
	E.	\$105,000		E.	\$105,000
	F.	\$ 3,000		F.	\$ 3,000
	G.	\$ 12,600		G.	\$ 12,600

## **ARTICLE 21 – 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 22 – WIND TURBINE ELECTRICITY PURCHASE FY16**

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 23 – FEMA – 5% MATCH FOR NEW FIRE EQUIPMENT**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for a five (5) percent match for a FEMA grant to replace Personal Protective Equipment (PPE) and aging equipment, or to take any other action relative thereto.

*Petitioned by:* Fire Chief

## ARTICLE 24 – 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 25 – WELLNESS PROGRAM – EMPLOYEES

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

*Petitioned by:* Board of Selectmen

## ARTICLE 26 – BYLAW AMENDMENT PETITION – SOLAR PHOTOVOLTAIC

To see if the Town will enact the following amendments to the Zoning Bylaw Chapter 198 Section 16, Use Regulations Schedule, to allow Solar Photovoltaic Energy Facilities (SPEF)- Large Scale Ground-Mounted as a Special Permit in the Park District. The additions are indicated in text that is **(bold and underlined)**. The deletions are indicated in strikethroughs (~~aaaa~~), or take any other action relative thereto.

### § 198-16 – Use Regulation Schedule

#### Use Regulation Schedule

##### District

Activity or Use	P
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Solar Photovoltaic Energy Facilities (SPEF)

Large Scale Ground-Mounted	<del>N</del> <u>A</u>
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*Petitioned by:* Tom Melanson and Others

## ARTICLE 27 – FEMA PORT SECURITY 25% GRANT MATCH

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 FEMA Port Security grant, 25% match for maintenance of boats, or take any other action relative thereto.

*Petitioned by:* Harbormaster

## ARTICLE 28 – UNION WHARF LED LIGHTS

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

*Petitioned by:* Harbormaster

## **ARTICLE 29 – INFORMATION TECHNOLOGY ASSESSMENT**

To see if the Town will vote to authorize the Board of Selectmen to contract the services of a qualified professional contractor for the purpose of completing an Information Technology Assessment, and to raise and appropriate, borrow or transfer from available funds a sum of money not to exceed \$15,000.00 to fund this assessment. This assessment will audit and review the Information Technology needs, hardware, software, policies and practices and provide the Town with a report outlining the steps the Town may take to maximize the use and value of Information Technology across all its departments. Or take any other action relative thereto.

*Petitioned by:* Town Government Study Committee

## **ARTICLE 30 – 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 at Temple Place, pole # 266/2

*Petitioned by:* James Stuart and others

- B. One light on Wayne Street, pole #281/1

*Petitioned by:* Kathy Fitzgerald and others

## **ARTICLE 31 – FINANCE COMMITTEE RESTRUCTURING**

To see if the Town will vote to amend the Town Code by striking therefrom § 33-1 through § 33-8 and inserting in their place the following:

### **“§ 33 -1. Appointment of members; terms**

There shall be a Finance Committee consisting of seven registered voters of the Town to be appointed by the Town Moderator. On or before June 30, 2015, the Moderator shall appoint three members to serve for a term of three years, two members to serve for a term of two years and two members to serve for a term of one year, each such term to commence on July 1, 2015. Thereafter, on or before June 30 of each year, for each of the then expiring terms, the Moderator shall appoint a member of the Committee to serve for a term of three years. The Moderator shall inform the Town Clerk of the name and term of all appointments made to membership on the Finance Committee.

### **§ 33-2. Organizational Meeting**

The Finance Committee shall as soon as convenient after July 1, and at least within two months after the Annual Town Meeting, meet and perfect an organization by the election of a Chair and a Clerk who shall serve until their successors are elected. The Chair may appoint a paid recording secretary whose compensation shall not exceed an amount appropriated for this purpose by Town Meeting.

### **§ 33-3. Duties**

The duties of the Finance Committee shall be to thoroughly investigate all articles on the warrant for the Annual and Special Town Meetings that call for appropriations of money for town purposes and also all articles that in any way may affect the finances of the town and shall report in writing to the Town Meeting members its recommendations thereupon.

### **§ 33-4 Compensation**

The Finance Committee shall (with the exception of the Recording Secretary) serve without pay but may be reimbursed for all necessary expenses incurred in performance of its duties upon approval of such expenditures by the Board of Selectmen. Such expenses when incurred and approved for payment by the Board of Selectmen shall be charged to the Town Meeting Expense Account.

### **§ 33-5. Filling Of Vacancies**

The Chair of the Finance Committee, or its Clerk, or its recording secretary shall report to the Town Moderator any vacancy among the members of the Finance Committee which may occur by death, resignation or removal from the town. If any member of the Committee is absent from five consecutive meetings of the Finance Committee, the Moderator shall declare his or her position to be vacant. The Moderator shall appoint a registered voter of the Town to fill any vacancy for the remainder of the term of that position. The Moderator shall inform the Town Clerk of the name and term of any appointment made to a vacant position on the Finance Committee.

### **§ 33-6. Hearings**

The Finance Committee shall, upon written request from any petitioner on any article on the warrant, grant such petitioner a hearing upon said article before final action on same is determined.

### **§33-7. Annual report**

The Finance Committee shall, annually, not later than one week prior to the time fixed for the Annual Town Meeting, prepare and publish for the benefit of Town Meeting members and voters and distribute to the same its recommendations as to the several articles on the warrant coming under its jurisdiction, and the amounts required to be appropriated to cover the expenditures of the various departments of the town for the next fiscal year. It shall also report in detail, the

amounts of maturing bonds or notes and the amount required for interest or other outstanding indebtedness of the town. It shall also at the same time prepare and publish a comparative statement, in parallel columns, of each department of funds and the expenditures thereof for the previous two years. It shall at the same time report and publish estimates of revenues from all sources, as far as possible, with the probable amount to be levied and raised by taxation to defray the expenses and liabilities of the town for the next ensuing fiscal year.

### **§ 33-8. Eligibility of members**

No person shall be eligible to serve on the Finance Committee who is an employee of the town or who holds an elective or appointive position in the town government, whether or not the employment or position carries any salary or compensation, except Town Meeting members and except appointed members of any advisory or ad hoc committees.

### **§ 33-9. Effective Date**

This by-law shall become effective on July 1, 2015, provided that §33-1 shall take effect immediately upon the adoption of this by-law by Town Meeting, and further provided that the term of any then current member of the Finance Committee shall terminate on June 30, 2015.”

*Petitioned by:* Town Government Study Committee

## **ARTICLE 32 – TERM LIMIT REFERENDUM**

To see if the Town will vote to petition the legislature to enact special legislation which would provide as follows:

“**SECTION 1.** A person who has held the office of member of the Board of Selectmen for the Town of Fairhaven, Board of Health for the Town of Fairhaven, Planning Board for the Town of Fairhaven, Board of Public Works for the Town of Fairhaven, School Committee for the Town of Fairhaven, Commissioners of Trust Funds for the Town of Fairhaven, or Housing Authority for the Town of Fairhaven for three or more consecutive full terms shall be deemed disqualified from election, reelection, or appointment to that office except as otherwise provided herein.

**SECTION 2.** The name of a person disqualified by the terms of this act shall not appear on the ballot for election to that position, and he shall be disqualified and may not be elected or appointed to that position, before the next regular election following the completion of his third consecutive term in that office.

**SECTION 3.** A person who is disqualified by the terms of this act, and who is elected, or appointed, to a subsequent consecutive term in that office shall be deemed not qualified for that office and shall not be sworn into that office. The person who received the next highest number of votes in that election shall be deemed to have been elected, and shall be sworn into that office. If no qualified person is so elected, the town clerk shall report a vacancy in that office to the board or committee, and the vacancy shall be filled under the provisions of applicable law, provided that a person who is disqualified by the terms of this act shall not be appointed to fill that vacancy.

**SECTION 4.** This act shall apply to those persons holding the office of member of the Board of Selectmen for the Town of Fairhaven, Board of Health for the Town of Fairhaven, Planning Board for the Town of Fairhaven, Board of Public Works for the Town of Fairhaven, School Committee for the Town of Fairhaven, Commissioners of Trust Funds for the Town of Fairhaven, or Housing Authority for the Town of Fairhaven on its effective date, and to those persons holding any such office at any time thereafter, and such persons shall be deemed disqualified pursuant to section one, regardless of whether some part or all of their three or more consecutive full terms in any such office ran before the effective date of this act.

**SECTION 5.** 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 6.** If this act is rejected by the registered voters of the Town of Fairhaven when submitted to said voters under section five, 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 thereon.

*Petitioned by:* Town Government Study Committee

## **ARTICLE 33 – TOWN MEETING PROCEDURE CHANGES**

A. To see if the Town will vote to petition the legislature to enact special legislation which would provide as follows:

"Chapter 285 of the Acts of 1930, as subsequently amended by Chapter 168 of the Acts of 1945, Chapter 562 of the Acts of 1955, Chapter 589 of the Acts of 1955, Chapter 587 of the Acts of 1968, Chapter 400 of the Acts of 1969, Chapter 609 of the Acts of 1970, Chapter 39 of the Acts of 1973, Chapter 62 of the Acts of 1983, and Chapter 156 of the Acts of 1987, is hereby amended as follows:

**SECTION 1.** Section 3 of Chapter 285 of the Acts of 1930, as subsequently amended, is hereby amended by striking the second sentence from the second paragraph thereof and inserting in its place:

"One half of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time, provided that at an adjourned meeting one half of the town meeting members shall constitute a quorum."

**SECTION 2.** Section 3 of Chapter 285 of the Acts of 1930, as subsequently amended, is hereby amended by striking the seventh sentence from the second paragraph thereof and inserting in its place:

“Subject to such conditions as may be determined from time to time by the representative Town meeting, and with the approval of a majority of the town meeting members present, any person who is not a Town meeting member may speak at any representative Town meeting, but shall not vote.”

**SECTION 3.** Section 6 of Chapter 285 of the Acts of 1930, as subsequently amended, is hereby amended by striking the second and third sentences thereof and inserting in their place:

“Nominations for and election of a moderator shall be as in the case of any other elective Town officers. At the conclusion of each Annual Town Meeting and from time to time as necessary to fill any vacancy in the office, the Town Moderator shall appoint for a term of one year an Assistant Town Moderator who shall serve as the Town Moderator in the event that the Town Moderator is unable to serve in his full capacity at any Town Meeting or is unable to fulfill any of the other functions or duties of the office, or in the event the Town Moderator recuses himself from presiding over any part of a Town Meeting. If the Moderator is absent, and a vacancy exists in the office of Assistant Town Moderator, a moderator pro tempore may be elected by the Town meeting members.”

**SECTION 4.** Section 7 of Chapter 285 of the Acts of 1930, as subsequently amended, is hereby amended by adding thereto a second paragraph as follows:

“The Town Clerk shall keep accurate attendance records for all Town Meeting members at all Town Meeting sessions. On January 1 of each year, the Town Clerk shall declare vacant the seat of any member who has missed three consecutive Town Meeting sessions, and by January 31 of each year shall notify those members whose seats have been declared vacated, and shall notify the precinct chairman for the precinct in which the vacancy has been declared. For the purpose of this provision each calendar date on which a town meeting is held, or organized but adjourned due to lack of a quorum, shall be considered a separate session. A special town meeting held within an annual town meeting, or a special town meeting held within a special town meeting, shall not be considered a separate session.”

**SECTION 5.** This act shall take effect upon its passage.

B. And further to see if the Town will vote to amend the Town by-laws as follows:

Section 50-4 of the Town Code is hereby amended by striking that provision in its entirety and inserting in its place the following:

“The procedure and conduct of the business meetings of the Town not herein provided for shall be governed by Robert’s Rules of Parliamentary Practice so far as they are applicable and are not inconsistent with the bylaws of the Town, provided that:

1. At each representative town meeting session, the Town Clerk shall cause the attendance of Town meeting members to be recorded prior to the commencement of the session. The record of those in attendance shall be kept open until the end of each representative town meeting session to enable latecomers to be recorded as present. The attendance record shall be public and be made part of the representative town meeting proceedings.
2. The Moderator shall determine the presence of a quorum. After a quorum has been reached and the session has commenced, the Moderator shall take a count at least once more to confirm that a quorum is still present, and shall also take a count whenever a point of order is raised by any member challenging the presence of a quorum.

3. Unless otherwise voted by a majority vote of the town meeting, the Selectmen are not required to read each warrant article in full, and may refer to articles by name and number only.
4. Unless additional time is voted by a majority vote of the town meeting, the petitioners or presenters of each article shall have a maximum of 15 minutes to complete their presentation, and subsequent speakers shall have 5 minutes.
5. Town Meeting members may speak on an article more than once only after all other Town Meeting members who wish to speak for the first time have spoken.
6. Question can be moved only when requested by a speaker at the microphone, and with a majority vote in favor of moving the question to a vote.”

Or to take any other action thereon.

*Petitioned by:* Town Government Study Committee

#### **ARTICLE 34 – TRANSFER FROM SURPLUS REVENUE**

To see is 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 and 3, Elizabeth I. Hastings Middle School, School Street; and on or near the entrance of the polling place in Precinct 4, Fire Station meeting room, 146 Washington Street; and on or near the front or main entrance of the polling place in Precinct 5 and 6, Recreation Center, 227 Huttleston Ave; 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 16th day of March in the year two thousand fifteen.

Selectmen of Fairhaven,

A true copy, ATTEST:

Constable of Fairhaven