

Posted 4/16/19 O.R.G.

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TOWN CLERK

**WARRANT
FOR THE SPECIAL TOWN MEETING
SATURDAY, MAY 4, 2019 AT 9:00 A.M.
AT THE ELIZABETH I. HASTINGS MIDDLE SCHOOL** 2019 APR 12 P 4: 10

FAIRHAVEN,
MASS.

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 fourth day of May 2019 at 9:00 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: ESTABLISH ENTERPRISE FUND FOR TOWN OF FAIRHAVEN CABLE TELEVISION

To see if the town will accept the provisions of Chapter 44, Section 53F 1/2 of the Massachusetts General Laws establishing a Town of Fairhaven Cable Television PEG Access Enterprise Fund, effective July 1, 2019. The Town of Fairhaven Cable Television PEG Access Special Revenue Fund will convert to an Enterprise Fund and the fund balance in the special revenue fund at June 30, 2019 will transfer to the fund balance of the enterprise fund effective July 1, 2019, or any other action relative thereto.

Petitioner: Board of Selectmen

ARTICLE 2: TOWN OF FAIRHAVEN CABLE TELEVISION PEG ACCESS ENTERPRISE FUND FY20 RECOMMENDED BUDGET:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the FY20 Town of Fairhaven Cable Television PEG Access Enterprise Fund Budget or take any other action relative thereto.

Petitioner: Board of Selectmen

ARTICLE 3: ESTABLISH ENTERPRISE FUND FOR FAIRHAVEN PUBLIC SCHOOLS CABLE TELEVISION

To see if the town will accept the provisions of Chapter 44, Section 53F 1/2 of the Massachusetts General Laws establishing a Fairhaven Public Schools Cable Television PEG Access Enterprise Fund, effective July 1, 2019. The Fairhaven Public Schools Cable Television PEG Access Special Revenue Fund will

convert to an Enterprise Fund and the fund balance in the special revenue fund at June 30, 2019 will transfer to the fund balance of the enterprise fund effective July 1, 2019, or any other action relative thereto.

Petitioner: School Committee

ARTICLE 4: FAIRHAVEN PUBLIC SCHOOLS CABLE TELEVISION PEG ACCESS ENTERPRISE FUND FY20 RECOMMENDED BUDGET

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to fund the FY20 Fairhaven Public School Cable Television PEG Access Enterprise Fund Budget or take any other action relative thereto.

Petitioner: School Committee

ARTICLE 5: FUNDING FOR ENGINEERING/ARCHITECTURAL SERVICES RELATED TO LAND PURCHASE FOR A PUBLIC SAFETY FACILITY

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to pay engineering/architectural services related to land purchase for a public safety facility, or take any other action relative thereto.

Petitioner: Board of Selectmen

ARTICLE 6: ROADWORK FY20

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to reconstruct, hard surface and install drainage on Brown Street, or take any other relative thereto.

Petitioner: Board of Public Works

ARTICLE 7: STREET ACCEPTANCE: ROBERT STREET

To see if the Town will vote to accept as a public way Robert Street from Castle Avenue to the end, or take any other action relative thereto.

Petitioner: Kathleen Kuntsen, et. al.

ARTICLE 8: TELEVISIONING BOARD MEETINGS

Section 1: Broadcast/Recording Required

All meetings of Town Boards, Commissions and Committees shall be broadcast live and/or recorded for future broadcast over the local cable television network unless emergency, operational or technical conditions suspend the requirements hereof, as determined by Town Administrator for broadcasts over the public access and government channels or the School Superintendent for broadcasts over the education channel.

Section 2: Notice Requirement

Notice of all such meetings shall be posted in accordance with the requirements of the Open Meeting Law, M.G.L. Chapter 30A, and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

Section 3: Scheduling Conflicts

If there is a scheduling conflict with the use of a meeting room, The Town Administrator for municipal property or the School Superintendent for school property or their designees shall have the discretion to determine which board shall have use of the room.

Section 4: Compliance with Open Meeting Law

Nothing contained in this bylaw shall be so construed as to conflict with the requirements of the Open Meeting Law, M.G.L. Chapter 30A.

Section 5: Failure to comply.

A violation of this bylaw or a failure to comply with this bylaw shall not be grounds for challenging or invalidating any actions taken at any meeting of a Town Board, Committee or Commission.

Petitioner: Board of Selectmen

ARTICLE 9: AMENDMENT TO TOWN ADMINISTRATOR ACT

To see if the Town will vote to revoke its approval of Article 34 of the warrant for the Annual Town Meeting held on May 6, 2016; and in its place vote to authorize the Board of Selectmen to petition the General Court,

- (a) to repeal Chapter 389 of the Acts of 2014, An Act Relative to the Board of Public Works in the Town of Fairhaven, and
- (b) to amend Chapter 381 of the Acts of 2014, An Act Establishing the Position of Town Administrator in the Town of Fairhaven.

The purpose of the petition is to remove from the authority of the Board of Selectmen certain of that authority presently delegated to the Board of Public Works; and also to further clarify the authority and duties of the Town Administrator with respect to the application of the personnel bylaw and to collective bargaining.

The proposed legislation is as follows:

An Act relative to the town administrator in the town of Fairhaven.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 381 of the acts of 2014 is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) appoint the town counsel and any special counsels, and all members of committees, boards and commissions except the finance committee and except those appointed by the moderator, elected by the voters or under the jurisdiction of the school committee or of the board of public works and may make appointments to temporary posts and committees the board creates for special purposes;

SECTION 2. Section 2 of said chapter 381 is hereby amended by striking out subsection 9 (e) and inserting in place thereof the following subsection:-

(e) Manage and direct the daily reporting and supervision of all town departments under the jurisdiction of the board of selectmen, including: assessors, building commission, council on aging, police, civil defense, animal control officer, gas inspector, plumbing inspector, wiring inspector and weights and measures inspector, recreation, tree, planning, finance, finance director, collector, treasurer, accounting, veterans, town counsel, other committees appointed by and under the jurisdiction of the board of selectmen and the fire department, subject to section 42 of chapter 48 of the General Laws, but not including the school department or the public works department.

SECTION 3. Said section 2 of said chapter 381 is hereby further amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) Except with respect to the school department, and except with respect to the hiring and firing of employees within the public works department, the town administrator shall have sole authority over the administration of personnel policies for all town employees. With respect to the fire department, such authority shall be subject to section 42 of chapter 48 of the General Laws. The town administrator shall act as the personnel board under all applicable laws and by-laws, except as otherwise set forth in this act. The personnel board as presently constituted shall be eliminated upon the appointment of the town administrator. The town may enact by-laws establishing the wages, salaries and other benefits of employees, which shall be consistent with the authority granted to the town administrator in this act. Notwithstanding the elimination of the personnel board, all actions taken prior to the appointment of the town administrator by the personnel board within its authority, and by any other town official or board, with respect to personnel, including the appointment of all officers and employees, shall continue in full

force and effect subject to future action by the town administrator within the town administrator's authority.

SECTION 4. Said section 2 of said chapter 381 is hereby further amended by striking out subsection (k) and inserting in place thereof the following subsection:-

(k) With the approval of the board of selectmen, negotiate all collective bargaining agreements on behalf of the town, except for the school department. In collective bargaining negotiations with unions representing employees in the public works department, the town will be represented by the town administrator, the superintendent of public works, and a member of the board of public works. The town administrator may seek the assistance of labor counsel if the town administrator deems it necessary to effect successful negotiations. All final agreements must be approved and executed by the board of selectmen.

SECTION 5. Said section 2 of said chapter 381 is hereby further amended by striking out subsection (m) and inserting in place thereof the following subsection:-

(m) Submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current and ensuing 5 years. The proposed budget shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by department, committee, agency, purpose and position and proposed financing methods. The proposed budget shall include estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law establish additional financial information and reports to be provided by the town administrator. To assist the town administrator in preparing the proposed annual budget of revenue and expenditures, the finance director, all boards, officers and committees of the town, including the school committee and the board of public works, shall furnish to the town administrator, in a writing in such a form as the town administrator shall establish, all relevant information in their possession, including a detailed estimate of the appropriations required and any available funds.

SECTION 6. Said section 2 of said chapter 381 is hereby further amended by striking out subsection (v) and inserting in place thereof the following subsection:-

(v) Manage and oversee the use, maintenance, security and, with the approval of the board of selectmen, regulate the rental for all the town buildings, properties and facilities, including information technology, except those under the jurisdiction of the school department or the public works department, unless so requested by either of those departments.

SECTION 7. Said section 2 of said chapter 381 is hereby further amended by striking out subsection (x) and inserting in place thereof the following subsection:-

(x) With the approval of the board of selectmen, prosecute, defend and settle all litigation for or against the town or its officers and employees, subject to such appropriation as may be necessary to effect settlement, except for litigation involving only the school department or the public works department, unless so requested by either of those departments.

SECTION 8. Chapter 389 of the acts of 2014 is hereby repealed.

SECTION 9. This act shall take effect upon its passage.

Petitioner: Board of Selectmen

ARTICLE 10: ESTABLISH OPEB TRUST

To see if the Town will vote to accept the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws, as amended by Section 15 of Chapter 218 of the Acts of 2016, establishing an Other Post – Employment Benefits Liability Trust Fund: to authorize the Board of Selectmen and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund: to designate the Treasurer as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; and to authorize the trustee to invest and reinvest the monies in such fund under the prudent investor rule established in chapter 203C

Petitioner: Board of Selectmen

ARTICLE 11: BUFFER ZONE PROTECTION

To see if the Town will vote to amend the Town’s wetlands by-law by adding thereto a section 192.15 which identifies limits on, or prohibition of, specific activities within one hundred feet of protected wetland resource areas (the “Buffer Zone”),

Or to take any other action thereto.

Petitioner: Conservation Commission

ARTICLE 12: STORM WATER MANAGEMENT

To see if the Town will vote to adopt a storm water management by-law, pursuant to federal and state laws, to protect public water bodies and wetlands from pollutants that may be introduced into storm water. The proposed by-law will regulate the direct introduction of potential pollutants into the storm drainage system; the introduction of potential pollutants by run-off from land disturbance during development; and the introduction of potential pollutants from those which may be allowed subject to regulation and permitting.

Petitioner: Board of Public Works

ARTICLE 13: HISTORIC SITE REUSE SPECIAL PERMIT

To see if the Town will vote to amend the zoning by-law by adding a special permit authorizing the reuse of certain historic sites. The purpose of the by-law is to promote the preservation of historic sites by allowing adaptive reuse of historic buildings. The proposed by-law will identify the special permit granting authority which will have authority to issue a special permit appropriate to make feasible the preservation and reuse of eligible historic sites, or take any other action thereto.

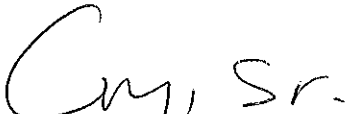
Petitioner: Board of Selectmen

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; fourteen days at least prior to the date of the meeting.

HEREOF FAILNOT, 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 12th day of April in the year two thousand nineteen.

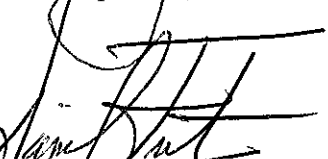
Selectmen of Fairhaven,



Charles Murphy, Sr, Chairman



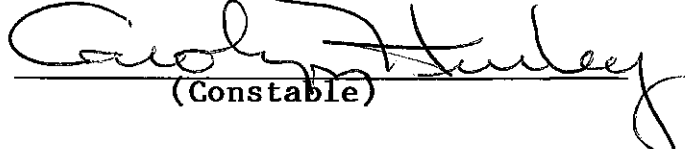
Robert Espindola, Vice-Chairman



Daniel Freitas, Clerk

I, Carolyn Hurley, Constable of the Town of Fairhaven, do hereby certify that I have duly served this warrant as required by the General Laws of Massachusetts and the By-Laws of the Town of Fairhaven by posting an attested copy thereof in the precincts and/or polling locations on

April 16, 2019
(date)


(Constable)

A true copy, ATTEST:

Constable of Fairhaven