

EILEEN M. LOWNEY
Town Clerk

TOWN OF
FAIRHAVEN
40 Center Street
Fairhaven, MA 02719

OFFICE OF TOWN CLERK
Town Hall
(508) 979-4025

SPECIAL TOWN MEETING – SATURDAY, MAY 5, 2007
WALTER SILVEIRA AUDITORIUM – ELIZ. HASTINGS MIDDLE SCHOOL
TOWN MEETING MEMBERS PRESENT 272 – QUORUM REQUIRED 100

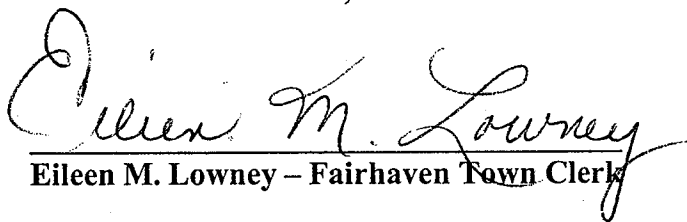
ARTICLE 20 – AMENDMENT TO TOWN BY-LAW

Voted unanimously to amend the Town By-Law at Chapter 6 – Community Preservation Committee at Section 6-1 A, by striking subparagraph (5) and inserting in its place the following:

“(5) One member designated by the Board of Public Works to represent the Board for a term of three years.”

This three year term will commence upon the conclusion of the current two year term.

A TRUE COPY, ATTEST:


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ANNUAL TOWN MEETING – SATURDAY, MAY 6, 2006
WALTER SILVEIRA AUDITORIUM – ELIZ. HASTINGS MIDDLE SCHOOL
TOWN MEETING MEMBERS PRESENT 284 – QUORUM REQUIRED 100

ARTICLE 11 – AMENDMENT TO TOWN BY-LAWS

Voted unanimously to amend Fairhaven By-Law “Chapter 6 Community Preservation Committee, Section 6-1 Establishment; members; terms by deleting the following:

“A

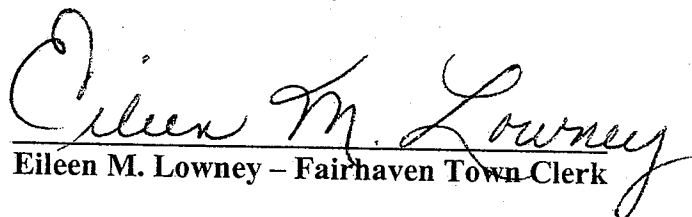
(3) One member of the Housing Authority as designated by the Authority for a term of one year and thereafter for a term of three years.”

And replace it with the following:

“A

(3) One member designated by the Housing Authority to represent the Authority for a term of one year and thereafter for a term of three years.”

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SPECIAL TOWN MEETING – SATURDAY, MAY 7, 2005
WALTER SILVEIRA AUDITORIUM – ELIZ. HASTINGS MIDDLE SCHOOL
TOWN MEETING MEMBERS PRESENT 283 – QUORUM REQUIRED 100

ARTICLE 12 – FAIRHAVEN COMMUNITY PRESERVATION COMMITTEE

Voted unanimously that the Town establish a Community Preservation Committee Bylaw described as follows:

Chapter 1. Establishment

(1) There is hereby established a Community Preservation Committee consisting of nine (9) voting members pursuant to Massachusetts General Laws Chapter 44B. The Committee shall be appointed by the Board of Selectmen and shall consist of the following members:

One member of the Conservation Commission as designated by the Commission for a term of 1 year and thereafter for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of 1 year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Authority for a term of 1 year and thereafter for a term of three years,

One member of the Planning Board as designated by the Board for a term of 2 years and thereafter for a term of three years.

One member of the Board of Public Works as designated by the Commission for a term of 2 years and thereafter for a term of three years.

Four members to be designated by the Board of Selectmen of which one will be for a term of two years and thereafter for a term of three years and the other three for a term of three years and thereafter for a term of three years.

(2) After the initial appointments, terms will begin on July 1 of each year.

(3) The term shall automatically terminate prior to its expiration in the event the committee member no longer serves as a member of the appointing authority.

(4) Should any commission, authority or board designating a member for the Community Preservation Committee cease to exist for whatever reason the Board of Selectmen will determine the appropriate alternative designating commission, authority or board.

Chapter 2. Duties

(1) The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing town boards, including, inter alia, the Historical Commission, the Housing Authority, the Conservation Commission, the Planning Board and the Board of Public Works in conducting such studies. As part of its study the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

(2) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, rehabilitation, restoration and preservation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings, or construction of new buildings on previously developed sites.

(3) The Community Preservation Committee may include in its recommendations to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation, but for which sufficient funds are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.

Chapter 3. Requirements for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Chapter 4. Amendments

This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

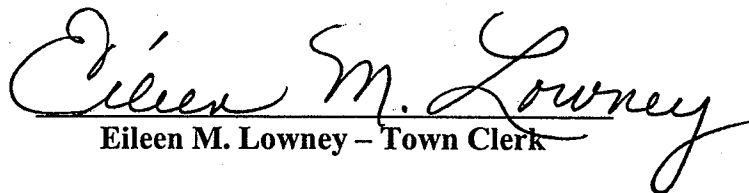
Chapter 5. Severability

In case any section, paragraph or part of this Bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Chapter 6. Effective Date

This Bylaw shall be submitted to the Attorney-General of the Commonwealth upon certification that a majority of voters have approved a ballot question accepting sections 3 to 7, inclusive, of Massachusetts General Laws Chapter 44B. Upon approval of this Bylaw by the Attorney General of the Commonwealth, the Board of Selectmen shall within fourteen days request the designating commissions, authorities or boards to designate a member to serve on the Community Preservation Committee. If the designation is not received within one month of the Board of Selectmen's request, the Town Moderator will designate the member. The Board of Selectmen will then appoint the members of the Community Preservation Committee at its next regularly scheduled meeting.

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ARTICLE 12 – FAIRHAVEN COMMUNITY PRESERVATION COMMITTEE

This is to certify that at the Annual Town Election held on Monday, April 4, 2005 the following votes were recorded on the question:

“Shall Fairhaven accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as approved by Town Meeting, a summary of which appears below?

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, establish a dedicated funding source to acquire and preserve recreation and conservation land, scenic open space, protect public drinking water supplies, protect farm land and forests from future development, restore and preserve historic properties, and help meet local families' housing needs.

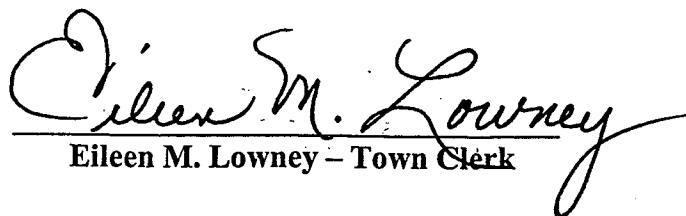
In Fairhaven, the Community Preservation Act will be funded by a surcharge of (2%) on the annual property tax assessed on real property and annual distributions made by the State from a trust fund created by the Act. The following is exempt from the surcharge: (1) Property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act, and (2) \$100,000 of the value of each taxable parcel of residential real property. A taxpayer receiving an exemption of real property authorized by G.L. c. 59 or any other law shall be exempt from any surcharge on real property established under this section. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by G.L. c. 59 or any other law shall be reduced in proportion to the amount of such abatement.

A Community Preservation Committee composed of local citizens will make annual recommendations on spending the funds. At least 10% of the funds for each fiscal year will be spent or reserved for later spending on each of the Act's three community preservation purposes: (1) open space (excluding land for recreational use), (2) historic resources, and (3) affordable housing.”

YES – 1,295

NO – 940

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