

HOUSE No. 4232

The Commonwealth of Massachusetts

PRESENTED BY:

Mark D. Sylvia and Mark C. Montigny

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the charter of the town of Fairhaven.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mark D. Sylvia</i>	<i>10th Bristol</i>	<i>6/13/2025</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>6/13/2025</i>

HOUSE No. 4232

By Representative Sylvia of Fairhaven and Senator Montigny, a joint petition (accompanied by bill, House, No. 4232) of Mark D. Sylvia and Mark C. Montigny (by vote of the town) relative to the charter of the town of Fairhaven. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the charter of 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:

1 The following shall be the charter for the town of Fairhaven:

2 ARTICLE I – INCORPORATION & POWERS OF THE TOWN

3 Section 1-1 Authorities and Understandings

4 The Town of Fairhaven Charter defines the government structure under which Fairhaven
5 operates, and that may create local offices; distribute powers, duties, and responsibilities among
6 local offices; and that may establish and define certain procedures to be followed by Fairhaven.

7 Section 1-2 Incorporation

8 The present Town of Fairhaven, Massachusetts, within its territorial limits as now or may
9 hereafter be established by law, shall continue to be a body politic and corporate, known as the
10 Town of Fairhaven.

Section 1-3 Short Title

This document shall be known and may be cited as the Town of Fairhaven Charter. For the purposes of this document, it is referred to as “the Charter.”

Section 1-4 Division of Powers

The administration of the fiscal, prudential, and municipal affairs of the Town of Fairhaven, with the government thereof, shall be vested in a representative Town Meeting-Select Board-Town Administrator form of government.

Section 1-5 Powers of the Town

Subject only to express limitations on the exercise of any power or function by a municipal government under the constitution or general laws of the Commonwealth of Massachusetts, it is the intent and purpose of the voters of the Town of Fairhaven, through the adoption of this charter and its amendments to secure for the town all the powers possible to secure under the constitution and statutes of the Commonwealth of Massachusetts, as fully as completely as though each such power were specifically and individually enumerated herein.

Section 1-6 Interpretation of Powers

The powers of the Town under the Charter shall be construed and interpreted liberally in favor of the Town, and the specific mention of any particular power is not intended to limit in any way the general powers of the Town as stated in section 1-5. To the extent that any provision of this charter shall conflict with any local option law adopted by the municipality or special law to the contrary, the provision of this charter shall prevail.

Section 1-7 Intergovernmental Relations

Consistent with any constitutional or statutory provisions, the Town may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with any one or more municipalities, civil divisions, sub-divisions, or agencies of the Commonwealth, other states or of the United States government.

ARTICLE II – EXECUTIVE BRANCH

Section 2-1 The Select Board

(a) Composition and Term of Office

The Select Board, consisting of five (5) members, shall be elected at large for three (3) years with overlapping terms. The general election for the office of Select Board members shall be held in accordance with the provisions of the general laws. Vacancies in the office of Select Board members shall be filled by special election in accordance with provisions of general law. At the first meeting following the annual town election, the Select Board shall elect a Chair, Vice-Chair, and Clerk from among its members.

(b) General Powers

The executive powers of the Town shall be vested in the Select Board, who shall have all the powers given to Select Boards by the General Laws, except for those executive powers granted to the Town Administrator. The Select Board shall serve as the chief goal-setting and policy-making agency of the Town. The duties and responsibilities for day-to-day management of the Town shall be delegated to the Town Administrator. The Select Board shall act through the adoption of policy directives and guidelines which shall be implemented by the Town

Administrator and the officers and employees appointed by, or under the authority of, the board. Individual Select Board members shall not purport to represent the board or exercise the authority of the board except when specifically authorized by the board.

The Select Board shall:

- i. enact rules and regulations to implement policies and to issue interpretations;
- ii. exercise directly or through the Town Administrator, general supervision over all matters affecting the interests or welfare of the town;
- iii. 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.
- iv. have administrative oversight of such boards, committees and commissions appointed by the Select Board;
- v. have the responsibility and authority for licenses and other quasi-judicial functions as provided by the General Laws and by the by-laws of the Town of Fairhaven;
- vi. issue all town meeting warrants;
- vii. review the annual proposed budget submitted by the Town Administrator and make recommendations or changes with respect to the annual proposed budget as the board deems advisable; provided, however, that the Town Administrator shall present the budget to the town meeting, incorporating the decisions of the Select Board;

viii. appoint, and may re-appoint, and enter into a contract for the employment of a Town Administrator for a term of not more than three (3) years, who shall be a person with executive and administrative qualifications and especially fitted by education, training and experience to perform the duties of the office; provided, that the town may from time to time, by by-law, establish such additional qualifications as it deems necessary and appropriate.

Appointments and re-appointments of the Town Administrator shall require affirmation by four (4) members voting in the affirmative; except in the event of a member's recusal three (3) out of four (4) votes shall be required;

ix. discipline the Town Administrator at any time, for just cause, including a written notice and opportunity to appeal. Disciplinary action of the Town Administrator shall require affirmation by four (4) members voting in the affirmative; except in the event of a member's recusal which shall require three (3) out of four (4) votes;

x. remove the Town Administrator at any time, for just cause, following a formal procedure including a written intent to dismiss, a written response, and a public hearing. The written response and public hearing shall be completed within thirty (30) days after the issuance of a written intent to dismiss, in accordance with the terms of the Town Administrator's contract. Removal of the Town Administrator shall require affirmation by four (4) members voting in the affirmative; except in the event of a member's recusal which shall require three (3) out of four votes (4);

xi. set the compensation for the Town Administrator, not to exceed an amount appropriated by the town meeting; and

xii. designate a qualified person as acting Town Administrator to perform the duties of the office during any vacancy caused by the Town Administrator's suspension, removal, or resignation; provided, that the appointment of an acting Town Administrator shall be for a period not to exceed 180 days. An additional 180 days may be allotted by vote of the Select Board if no qualified replacement is hired within the initial 180-day time period.

Section 2-2 Town Administrator

The Town Administrator shall be the chief administrative officer of the town and shall act as the agent for the Select Board. The Town Administrator shall be responsible to the Select Board for coordinating and administering all town affairs under the jurisdiction of the Select Board.

The Town Administrator shall have the following powers and duties:

(a) Consult and advise the Select Board regarding its policies and implement those policies.

(b) Attend all meetings of the Select Board, except when excused, and consult with and advise the Select Board on all matters that come before the board.

(c) Attend all town meetings and advise the town meeting on all warrant articles within the jurisdiction of the Select Board.

(d) Attend all Finance Committee meetings, except when excused by the Select Board or when the Town Administrator's qualified designee attends; and keep the Finance Committee informed on all matters under the jurisdiction of the Town Administrator that comes before the committee.

(e) Manage and direct the daily reporting and supervision of all town departments, boards, committees, and commissions under the jurisdiction of the Select Board, including the Fire Department but subject to section 42 of chapter 48 of the General Laws, and not including the School Department or the Public Works Department.

(f) Review and advise the Select Board on all warrants for the payment of town funds as prepared by the Town Accountant in accordance with section 56 of chapter 41 of the General Laws.

(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 day-to-day management and 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 Select Board, in cooperation with the Town Administrator, shall recommend by-laws to the Town Meeting, establishing the wages, salaries and other benefits of employees.

(h) Administer the town's insurance policies, including the ability to settle claims; provided, however, that all insurance contracts and claims settlements shall receive the prior approval of the Select Board.

(i) Subject to the approval of the Select Board, appoint, suspend, and remove department heads under the direct control of the Town Administrator. The Town Administrator shall file a notice of intent for such action with the Select Board. The Select Board shall have fifteen (15) days to affirm or deny the intended action. Within the fifteen (15) day period, the

138 Select Board may, by a majority vote of the full board: (1) affirm such action, in which case the
139 decision becomes effective immediately; or (2) deny such action; provided that if the Select
140 Board does not make a decision to affirm or deny the action, the Town Administrator's decision
141 shall become effective on the fifteenth (15) day. If the Select Board is unable to meet within the
142 fifteen (15) day window, the Chair of the Select Board shall notify the Town Administrator in
143 writing, at which time the appointment, suspension, or removal action shall be delayed and
144 subject to vote by the Select Board at the next scheduled meeting. If the Select Board does not
145 wish to take any action, it shall also notify the Town Administrator of such a decision.

146 (j) Each department head, with the prior approval of the Town Administrator, shall
147 appoint and remove all department staff within their respective departments. All appointments
148 shall be based entirely on merit and fitness. All appointments and terminations shall be
149 conducted in accordance with the General Laws, personnel policies, by-laws of the Town of
150 Fairhaven and any applicable employment contracts; provided, that fire department appointments
151 shall also be subject to section 42 of chapter 48 of the General Laws.

152 (k) With the prior approval of the Select Board, reorganize any departmental
153 structures under the jurisdiction of the Town Administrator. The Town Administrator shall
154 submit to the Select Board the financial details and impacts, alterations to staffing structures and
155 hierarchy, changes to town infrastructure or asset modifications, and any other information the
156 Town Administrator or Select Board sees fit to include.

157 (l) With the prior approval of the Select Board, negotiate all collective bargaining
158 agreements on behalf of the town, except that collective bargaining agreements for the School
159 Department shall be negotiated by the School Committee with the Town Administrator

160 participating and voting as a member. In collective bargaining negotiations with unions
161 representing employees in the Public Works Department, the town will be represented by the
162 Town Administrator, the Superintendent of Public Works and a member of the Board of Public
163 Works. The Town Administrator may seek the assistance of labor counsel if the Town
164 Administrator deems it necessary to effect successful negotiations. All final agreements must be
165 approved and executed by the Select Board, and funded by vote of Town Meeting.

166 (m) With the prior approval of the Select Board, establish compensation packages for
167 all town employees under the jurisdiction of the Town Administrator, not subject to a collective
168 bargaining agreement. Such compensation shall not exceed the amount appropriated therefor by
169 Town Meeting and shall be subject to all applicable laws and by-laws.

170 (n) Submit to the Select Board and Finance Committee, a written proposed budget for
171 town government for the ensuing fiscal year, due annually, no later than December 31st. The
172 proposed budget shall detail all estimated revenue from all sources, and all proposed
173 expenditures, including debt service for the previous, current, and ensuing five (5) years. The
174 proposed budget shall include proposed expenditures for both current operations and capital
175 projects during the ensuing year, detailed by department, committee, agency, financial
176 justification, purpose and position and proposed financing methods. The proposed budget shall
177 include estimated revenues and free cash available at the close of the fiscal year, including
178 estimated balances in special accounts. The town may, by by-law, establish additional financial
179 information and reports to be provided by the Town Administrator. To assist the Town
180 Administrator in preparing the proposed annual budget of revenue and expenditures, the finance
181 director, all boards, officers and committees of the town, including the School Committee and
182 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.

(o) Report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the necessary tax rate.

(p) In consultation with the Select Board, establish calendar dates by which the proposed budget, revenue statement and tax rate estimate are to be submitted to the Select Board and the Finance Committee.

(q) Submit annually to the Select Board and Finance Committee, a 5-year Capital Improvements Program, or the same as approved by a formal Capital Planning Committee, to include: (i) a list of all capital improvements and supporting data proposed to be undertaken during the next five (5) years; (ii) cost estimates, methods of financing, and recommended time schedule; (iii) the estimated annual cost of operating and maintaining any facility to be constructed or acquired, and (iv) identified return on investment for capital expenditures as applicable.

(r) Advise the Select Board at least monthly, of all departmental year-to-date revenues and expenditures.

(s) Direct action as deemed necessary to ensure that all operating and capital budgets under the direct control of the Town Administrator are maintained in accordance with the town meeting vote that approved those budgets and coordinate efforts with the governing bodies of those departments not under the direct supervision of the Town Administrator to ensure that those operating and capital budgets are maintained in accordance with the town meeting vote that approved those budgets.

205 (t) Keep and complete records of the office of the Town Administrator and annually
206 submit to the Select Board, unless requested to do so more frequently, a full report of the
207 operations of the office.

208 (u) With direction and guidance from the Select Board, coordinate the operational
209 and strategic planning of the town.

210 (v) Serve as the Procurement Officer for the town, establish and enforce procurement
211 policies and guidelines in accordance with applicable state laws.

212 (w) Manage and oversee the use, maintenance, security and, with the prior approval of
213 the Select Board, regulate the rental for all the town buildings, properties and facilities, including
214 information technology, except those under the jurisdiction of the School Department or the
215 Public Works Department, unless so requested by either of those departments.

216 (x) Prepare the application of all town warrants for approval by the Select Board.

217 (y) With the prior approval of the Select Board, prosecute, defend and settle all
218 litigation for or against the town or its officers and employees, subject to such appropriation as
219 may be necessary to effect settlement, except for litigation involving only the School Department
220 or the Public Works Department, unless so requested by either of those departments.

221 (z) Delegate and direct any qualified town official or employee to carry out any duty
222 that is within the authority of the Town Administrator.

223 (aa) During a temporary absence, with the prior approval of the Select Board, the
224 Town Administrator may designate a qualified administrative employee or officer to exercise the
225 powers and perform the duties of the Town Administrator.

(bb) Perform any other duties or tasks assigned by the Select Board, assigned by the town meeting or mandated by applicable state law.

(cc) The Town Administrator of the Town of Fairhaven shall have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the Town Administrator. The Town Administrator may, without notice, cause the affairs of any division or department under the Town Administrator's supervision, or the conduct of any officer or employee thereof, to be examined.

(dd) With the prior approval of the Select Board, sell or dispose of town property or assets. The Town Administrator shall work collaboratively with departments, committees, and boards by notifying in writing any town items declared surplus that can be first utilized by another department, committee, or board, and wait a minimum of thirty (30) days before said surplus is released for sale or disposal.

(ee) Except as otherwise authorized by general law or special law, the town administrator may not enter, sign, nor bind the town to any agreement or contract regardless of the length of contract, and with or without an auto-renew clause, if the total value of the contract exceeds \$50,000.00 USD, without the prior approval of the Select Board.

ARTICLE III – ELECTED OFFICERS

Section 3-1 Elected Offices

The following offices shall be filled by vote at the annual town election, or by special election as required:

Number of Members	Length of Term (Years)
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247	Select Board	5	3
248	Board of Public Works	5	3
249	Planning Board	9	3
250	School Committee	5	3
251	Housing Authority	5	5
252	Town Moderator	1	3
253	Board of Health	3	3
254	Commissioners of Trust Funds 3		3
255	Town Clerk	1	3

256 Members of elected offices shall perform the duties and have the authority set forth in the
257 constitution and general laws, this charter, town by-laws, statutes and applicable regulations of
258 other government jurisdictions.

259 The number of signatures of voters required to place the name of a candidate for any
260 town office on the official ballot for use at any town election shall be as specified in the general
261 laws. When a vacancy occurs in any elected office, the office shall be filled in accordance with
262 the general laws.

263 Section 3-2 Planning Board

There shall be a Planning Board consisting of nine (9) members elected to overlapping three (3)-year terms of office with all the powers and duties provided to planning boards under the General Laws.

Section 3-3 Housing Authority

There shall be a Housing Authority consisting of five (5) members, one of whom shall be appointed under authority of the Commonwealth and four of whom shall be elected. All members shall serve five (5) year overlapping terms.

The purpose of the Housing Authority is to provide quality, affordable housing for low to moderate income, elderly, disabled individuals and families.

Section 3-4 Board of Health

The Board of Health shall consist of three (3) members elected for three (3) year overlapping terms. The Board of Health shall appoint and supervise a Health Agent in accordance with the Personnel Bylaw and regulations and policies adopted thereunder. The Health Agent shall be subject to the Personnel Bylaw unless exempted as provided therein. The Board of Health shall comply with all state and federal regulations in their duties and responsibilities. These include, but are not limited to, control of communicable diseases, control over dairy products, standards and regulations for food service establishments, sewage systems, dumping, littering and related inspections and fees.

Section 3-5 Town Clerk

The Town Clerk is a primary provider of information and quality services to the community and works cooperatively and in coordination with the varied departments and groups

285 in compliance with state and local laws. The Town Clerk is the official record keeper of the
286 municipality.

287 The Town Clerk shall be elected for a three (3) year term and receive a salary.

288 Section 3-6 Board of Public Works

289 (a) The Board of Public Works shall consist of five (5) members elected at large.

290 Upon the expiration of the term of any member, a successor shall be elected at an annual Town
291 election to serve for a term of three (3) years. In all cases the members of the Board of Public
292 Works shall serve until their successors are qualified. The members of the Board of Public
293 Works shall, after each annual Town election, elect from among its members a Chairperson and
294 a Clerk for the ensuing year. In the case of a vacancy, the Select Board shall, within thirty (30)
295 days, fill such vacancy until the next annual Town election, when a member shall be elected to
296 fill an unexpired term resulting from such vacancy. No person shall serve on the Board of Public
297 Works who holds an elected or appointed office in said Town other than Town meeting member
298 and no employee of the Town shall serve on the board.

299 (b) The Board of Public Works shall have all the powers and duties now and from
300 time to time vested by general or special laws, Town charter or Town by-laws in the following
301 boards, departments and offices having corresponding powers and duties in the Town of
302 Fairhaven, to wit: Highway Department, Water and Sewer Commissioners, Park Commissioners,
303 Cemetery Commissioners, refuse and garbage collection, and with respect to construction and
304 maintenance only, the Town dump.

305 The Board of Public Works shall have such additional powers with respect to the
306 furnishing of engineering services for public works projects and the performance of such duties

of any other boards, departments and offices of the Town as may be reasonably related to the duties and responsibilities of a Board of Public Works, as the Town may, from time to time, by by-law provide, and other provisions of law to the contrary notwithstanding.

(c) The Board of Public Works shall appoint and fix the compensation of a Superintendent of Public Works who shall exercise and perform, under the supervision and direction of the Board of Public Works, such powers, rights and duties assigned to it under sections (b) and (c) as it may, from time to time, designate. The superintendent shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the Board of Public Works and shall not be subject to any provisions of chapter thirty-one of the general laws. The superintendent shall be specially fitted by education, training, and experience to perform the duties of said office and need not be a resident of the town.

During tenure the Superintendent shall hold no elective office nor shall be engaged in any other business or occupation. The superintendent shall give to the Town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of their duties, in such sum and upon such conditions as the board may require, and shall, subject to the approval of the Board of Public Works, appoint such assistants, agents and employees as the exercise and performance of the superintendent's powers, rights and duties may require. The Superintendent shall keep full and complete records of the doings of the office and render to the Board of Public Works as often as it may require a full report of all operations under the Superintendent's control during the period reported upon; and annually, and from time to time as required by the Board of Public Works, the Superintendent shall make a synopsis of such reports for publication. The Superintendent shall keep the Board of Public Works fully

advised as to the needs of the Town within the scope of the superintendent's duties and shall furnish to the Board of Public Works each year upon its request a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

(d) The Board of Public Works shall appoint and fix the compensation of the Superintendent of Highways who shall exercise and perform, under the supervision and direction of the board, such powers, rights and duties, assigned to it under sections (b) and (d) as it may, from time to time, designate. The Superintendent of Highways shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the Board of Public Works and shall not be subject to any provisions of chapter thirty-one of the General Laws. The superintendent of highways shall be specially fitted by education, training, and experience to perform the duties of said office and need not be a resident of the town. During tenure the Superintendent of Highways shall hold no elective or other appointive office, nor shall engage in any other business or occupation.

Section 3-7 Commission of Trust Funds

There shall be a Commission of Trust Funds consisting of three (3) members elected for overlapping three (3) year terms. The Commission of Trust Funds shall have the management of all trust funds given or bequeathed for the benefit of the town or the inhabitants thereof, unless the donor in making the gift or bequest shall provide otherwise and shall have such other duties as assigned to commissions of trust funds by the general laws.

Section 3-8 Recall of Elected Officials

351 (a) Any person who holds an elected office in the Town of Fairhaven, with more than
352 six months remaining in the term of such office on the date of filing of the affidavit, referred to
353 in section (b), may be recalled from office by the registered voters in said town, in the manner
354 herein provided.

355 (b) Fifty (50) or more voters of the Town of Fairhaven may file with the Town Clerk
356 of said Town an affidavit containing the name of the officer whose recall is sought and a
357 statement of the grounds upon which the petition is based. The Town Clerk shall deliver to the
358 said voters petition blanks demanding said recall, printed forms of which he shall keep available.
359 Said blanks may be completed by writing or typewriting; they shall be addressed to the Select
360 Board; they shall contain the names of the persons who filed the affidavit and the grounds for
361 recall as stated in the affidavit; they shall demand the election of a successor to the office; and
362 they shall be dated and signed by the Town Clerk. A copy of the petition shall be kept on file in
363 the office of the Town Clerk in a record book maintained for that purpose. The recall petitions
364 shall be returned and filed in the office of the Town Clerk within fourteen (14) days following
365 the date the petitions were issued, signed by at least twenty percent (20%) of the total number of
366 registered voters duly recorded on the registration list of the Town Clerk as of the preceding
367 Town election. The Town Clerk shall, within twenty-five (25) hours following such filing,
368 submit said petitions to the registrars of voters who shall, within seven (7) days certify thereon
369 the number of signatures which are names of registered voters of the town.

370 (c) If the petition shall be certified by the Registrars of Voters to be sufficient, the
371 Town Clerk shall forthwith submit the same to the Select Board. Upon its receipt of the certified
372 petition, the Select Board shall within forty-eight (48) hours give written notice of said petition
373 and certificate to the person whose recall is sought. If said officer does not resign the office

within five (5) days following delivery of the said notice, the Select Board shall order an election to be held not less than sixty (60) nor more than ninety (90) days after the date of the Registrars' certificate of the sufficiency of the petition. If, however, another Town election is to occur within one hundred (100) days after the date of the certificate, the Select Board shall hold the recall election on the date of said other Town election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(d) An officer whose recall is sought may be a candidate at the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of laws relating to elections, unless otherwise provided in this act.

(e) The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled in the election the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided herein. If the officer is recalled in the election, the incumbent shall be deemed removed upon the qualification of the successor who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(f) Ballots used at a recall election shall contain the following propositions in the order indicated:

- i. For the recall of (name of officer)
- ii. Against the recall of (name of officer)

iii. Adjacent to each proposition, there shall be a place to mark a vote. After the propositions shall appear the word "Candidates" followed by the names of candidates arranged alphabetically, by surname. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes on the question is in the negative, the ballots for the candidates need not be counted, except as provided in section (c) above.

(g) No recall petition shall be filed against an officer within six (6) months after taking office, or in the case of an officer subjected to a recall election and not recalled thereby until at least six months after the election at which the recall was submitted to the voters.

ARTICLE IV – LEGISLATIVE BRANCH

Section 4-1 Representative Town Meeting

(a) The territory of the Town is divided into not less than four (4) nor more than eight (8) voting precincts, each of which shall be plainly designated and shall contain not less than five hundred registered voters. The precincts shall be so established as to consist of compact and contiguous territory, to be bounded as far as possible by the center line of known streets and ways or by other well-defined limits. Their boundaries shall be reviewed and, if need be, wholly or partially revised by the districting board in November, once in five (5) years, or in November of any year when so directed by a vote of a representative Town meeting not later than October thirtieth of that year.

The Town Clerk shall notify every registered voter affected by a change in precinct boundaries or a change in polling place. The Districting Board shall, within twenty (20) days after any establishment or revision of the precincts, but not later than December twentieth of that

year, file a report of their doings with the Town Clerk, the Registrars of Voters and the Assessors, with a map or maps or descriptions of the precincts and the names and residences of the registered voters therein. The Districting Board shall also cause to be posted in the Town Hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein; and it shall also cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and residences of the registered voters therein.

The division of the Town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the Districting Board with the Town Clerk. Whenever the precincts are established or revised, the Town Clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the voters of the town, shall be held on the same day and at the same hour and at such place or places within the Town as the Select Board shall in the warrant for such meeting direct. The provisions of the general laws relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the Town upon the establishment of voting precincts as hereinbefore provided.

(b) Other than the officers designated in section (c) as Town Meeting Members-at-Large, the representative Town meeting membership shall in each precinct consist of the largest number divisible by three (3) which will not exceed two and seven tenths' percent (2.7%) of the persons residing in the precinct. The registered voters in every precinct shall, at a special election called for that purpose, to be held not sooner than thirty (30) days after the establishment of

precincts under this act, or at the first annual Town election held after the establishment thereof, and at the first annual Town election following any precinct revision where the number of precincts is changed, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section (c) as Town Meeting Members-at-Large, provided for in the first sentence of this section, to be Town meeting members of the town. The first third in order of votes received of members so elected shall serve three (3) years, the second third in such order shall serve two (2) years, and the remaining third in such order shall serve one (1) year, from the day of the annual Town meeting, or, in case such election is at a special meeting, from the next annual Town meeting; in case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual Town election the registered voters of each precinct shall, in like manner, elect one third of the number of Town meeting members to which that precinct is entitled for the term of three (3) years, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of Town Meeting Members in their respective precincts.

The ballot shall include a separate line for each available term length, either three (3) years, two (2) years, or one (1) year. Voters may write in a candidate's name under the appropriate term length to which they wish to elect the candidate. Write-in votes will be counted only for the term specified on the corresponding ballot line. If a voter writes-in a candidate's name on multiple lines for separate term lengths, the vote shall only be counted for the lesser of the term lengths. Upon every revision of the precincts where the number of precincts is changed, the terms of office of all Town meeting members from every precinct shall cease upon the

election of their successors. The Town Clerk shall, after every election of Town Meeting Members, forthwith notify each member by mail of their election.

(c) Any representative Town Meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section (b), together with the following, designated Town Meeting Members-at-Large; namely, any member of the general court of the commonwealth who is a resident of the town, the moderator, the Town Clerk, the members of the Select Board, the members of the Board of Health, the members of the School Committee, the members of the Planning Board, the members of the Board of Public Works, the Commissioners of Trust Funds, the elected members of the Housing Authority, and the chair of the Finance Committee. All the foregoing shall be included within the general designation of Town Meeting Members. The Town Clerk shall notify the Town Meeting Members of the time and place at which representative Town Meetings are to be held, the notices to be sent by mail at least seven (7) days before the meeting.

The Town Meeting Members, as aforesaid, shall be the judges of the election and qualifications of their members. One hundred (100) Town Meeting Members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time, and at an adjourned meeting seventy-five (75) Town meeting members shall constitute a quorum. Notice of every adjourned representative Town meeting shall be posted by the Town Clerk in at least one (1) public place in each precinct. The notices shall state briefly the business to be acted upon at any meeting and shall include notice of any proposed reconsideration. All Town Meetings shall be public. The Town Meeting Members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the representative Town Meeting, any voter of the Town who is not a Town Meeting Member

487 may speak at any representative Town Meeting, but shall not vote. A Town Meeting Member
488 may resign by filing a written resignation with the Town Clerk, and such resignation shall take
489 effect upon the date of such filing. No elected member whose official position entitles them to be
490 a member at large shall act as a member at large during such time as he remains an elected
491 member. A Town Meeting Member who removes from the Town shall cease to be a Town
492 Meeting Member and an elected Town Meeting Member who removes from one precinct to
493 another or is so removed by a revision of precincts shall not retain membership after the next
494 annual election.

495 (d) Nomination of candidates for Town Meeting Members to be elected under this act
496 shall be made by nomination papers signed by not less than ten (10) voters of the precinct in
497 which the candidate resides, and filed with the Town Clerk at least twenty-eight (28) days before
498 the election; provided, that any Town Meeting Member may become a candidate for reelection
499 by giving written notice thereof to the Town Clerk at least forty-nine (49) days before election.
500 No nomination papers shall be valid in respect to any candidate whose written acceptance is not
501 thereon or attached thereto when filed.

502 (e) The articles in the warrant for every Town Meeting, so far as they relate to the
503 election of the Town officers, Town meeting members, and, as herein provided, to referenda and
504 all matters to be acted upon and determined by ballot of the town, shall be acted upon and
505 determined by the voters in their respective meetings by precinct. All other articles in the warrant
506 for any Town Meeting, beginning with the elected, shall be acted upon and determined
507 exclusively by Town Meeting Members at a meeting to be held at such time and place as shall be
508 set forth by the Select Board in the warrant for the meeting, subject to the referendum provided
509 for by section (h).

(f) Any vacancy in the full number of Town Meeting Members from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled until the next annual election by the remaining elected Town Meeting Members of the precinct from among the registered voters thereof. Notice of any vacancy shall be given by the Town Clerk to the remaining members from the precinct in which the vacancy or vacancies exist and the Town Clerk shall call a special meeting of such members prior to any annual or special Town Meeting for the purpose of filling any vacancy. The Town Clerk shall cause to be mailed to every such member, not less than seven (7) days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting one third of the elected members from such precinct shall constitute a quorum, and they shall elect from their own number a Chair and a Clerk. The choice to fill any vacancy shall be by written ballot, unless waived by a two-thirds vote of those present, and a majority of the votes cast shall be required for a choice. The Chair and Clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the Town Clerk, together with a written acceptance by the member or members so chosen who shall thereupon be deemed elected and qualified a Town Meeting Member or Members, subject to the right of all the Town Meeting Members to judge of the election and qualifications of the members as set forth in section (c).

(g) A vote passed at any representative Town Meeting authorizing the expenditure of twenty thousand dollars (\$20,000) or more, as an appropriation other than Town charges, shall not be operative until after the expiration of five (5) days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five (5) days a petition, signed by not less than five (5%) percent of the registered voters of each precinct, containing their names and addresses as they appear on the list of registered voters, is filed with the Select Board requesting

533 that the question or questions involved in such vote be submitted to the voters of the Town at
534 large, then the Select Board, within fourteen (14) days after the filing of the petition, shall call a
535 special meeting, which shall be held within ten (10) days after the issuing of the call, for the
536 purpose of presenting to the voters at large the question or questions so involved. The polls shall
537 be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the
538 evening, and all votes upon any questions so submitted shall be taken by ballot, and the check
539 list shall be used in the several precinct meetings in the same manner as in the election of Town
540 officers. The questions so submitted shall be determined by a majority vote of the registered
541 voters of the Town voting thereon, but no action of the representative Town Meeting shall be
542 reversed unless at least twenty percent (20%) of the registered voters shall vote to disapprove
543 such action. The questions so submitted shall be stated upon the ballot in substantially the same
544 language and form in which they were stated when presented to said representative Town
545 meeting by the moderator as appears from the records of the said meeting. If such petition is not
546 filed within the said period of five (5) days, the vote of the representative Town meeting shall
547 become operative upon the expiration of the said period.

548 (h) The Town of Fairhaven, after the acceptance of this act, shall have the capacity to
549 act through and be bound by its said Town meeting Members who shall, when convened from
550 time to time as herein provided, constitute representative Town Meetings; and the representative
551 Town Meetings shall exercise exclusively, so far as will conform to the provisions of this act, all
552 powers vested in the municipal corporation. Action in conformity with all provisions of law now
553 or hereafter applicable to the transaction of Town affairs in Town Meetings shall, when taken by
554 any representative Town Meeting in accordance with the provisions of this act, have the same

555 force and effect as if such action had been taken in a Town Meeting open to all the voters of the
556 Town is heretofore organized and conducted.

557 (i) The representative Town Meeting may make such rules consistent with general
558 law as may be considered necessary for conducting its meetings.

559 (j) The representative Town Meeting may appoint such committees for investigation
560 and report as it may consider necessary.

561 (k) The provisions of Chapter forty-four of the General Laws shall continue to apply
562 in the Town of Fairhaven notwithstanding the provisions of this Charter.

563 (l) This Charter shall not abridge the right of the inhabitants of Fairhaven to hold
564 general meetings, as that right is secured to them by the constitution of this commonwealth; nor
565 shall this act confer upon any representative Town Meeting in Fairhaven the power finally to
566 commit the Town to any measure affecting its municipal existence or changing its government,
567 without action thereon by the voters of the Town at large, using the ballot and the check list
568 therefor.

569 Section 4-2 Town Moderator

570 (a) A Town Moderator shall be elected by ballot for a three (3) year term, and shall
571 serve as moderator of all Town meetings, except as otherwise provided by law, until a successor
572 is elected and qualified. Nominations for and election of a moderator shall be as in the case of
573 other elective Town officers, and any vacancy in the office may be filled by the Town Meeting
574 Members at a meeting held for that purpose.

(b) At any time during or within thirty (30) days prior to a Town Meeting, the moderator may appoint an Assistant Town Moderator who may preside at all or a portion of the meeting and otherwise act in the stead of the Moderator. When so designated, the Assistant Town Moderator shall have all the powers vested by law in the Moderator to preside at and regulate the proceedings in the meeting.

(c) If a Moderator is absent, a moderator pro tempore may be elected by the Town Meeting Members.

Section 4-3 Town Meeting Warrants

(a) In General – Every Town Meeting shall be called by a Warrant issued by the Select Board which shall state the time and place of the Meeting and, by separate Articles, the subjects which are to be acted upon. The warrant lists all matters to be voted on at the Town Meeting and the date, time and location.

(b) Initiation of Warrant Articles – Registered voters of the town may secure inclusion of an article on the warrant by written petition submitted in accordance with the general laws.

(c) Warrants – After voting to open any Annual Town Meeting or Special Town Meeting Warrant, the Select Board, within the ensuing twenty-four (24) hours, shall post notice of such vote on the Town's website. The warrant for any Town Meeting shall be served by posting a printed copy thereof at or near the front entrance of the Town Hall and at or near the public entrances of all the polling places in the Town at least seven (7) days before the date of said meeting. The notice shall identify the opening and closing dates of the Warrant and shall identify the place or places where citizen petitioned articles may be submitted. No Annual or

Special Town Meeting Warrant may close until such notice has been posted for at least ten (10) calendar days. Subsequent to the posted Warrant opening and closing dates, the Select Board may vote to reopen and close the Warrant in order to receive additional Warrant Articles.

(d) Circulation of Warrant – Annual and Special Town Meeting Warrants shall be posted: on the Town Clerk bulletin board; on the Town website; and in the local media. No later than twenty-one (21) days before the Annual Town Meeting and any Special Town meeting, the Select Board shall deliver the Warrant to the Finance Committee and Moderator.

ARTICLE V – FINANCE

Section 5-1 Finance Committee

(a) Appointment of members; terms. There shall be a Finance Committee consisting of thirteen (13) members, two (2) members to be appointed from each voting precinct in the manner and at the time hereinafter prescribed, and one (1) member to be appointed at large. There shall be appointed each year by the Chair of each precinct one (1) member from such precinct to serve for a period of two (2) years. The Moderator, Chair of the Select Board, and Chair of the Finance Committee for the preceding year shall, annually at a meeting called for the purpose, appoint one (1) member at large, who shall serve for a period of one (1) year.

(b) Organizational meeting. The Finance Committee shall as soon as convenient after notification of appointment, 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.

(c) 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 thereto.

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

(e) Filling of vacancies. Vacancies among the members of the Finance Committee which may occur by death, resignation or removal from the town shall be filled in the manner heretofore specified by appointment for the unexpired term only.

(f) 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.

(g) 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 (2) 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.

(h) 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 elected under section 4-1 of this Charter and except appointed members of any advisory or ad hoc committees.

Section 5-2 Director of Finance

(a) Director of Finance; Divisions. There shall be a Department of Finance which will be under the direction of the Director of Finance. The Department of Finance shall provide personnel and equipment to the offices of the Treasurer, Board of Assessors, Town Accountant, Town Collector, which shall be the Divisions of the Department of Finance. The Director of Finance will coordinate the activities of the various Divisions of the Department of Finance and, subject to applicable law, shall supervise the operation of those Divisions.

(b) Appointment of Director; duties and qualifications. The Director of Finance shall be appointed by the Select Board and may be removed at its discretion. The Director of Finance shall be sworn to the faithful performance of the duties of the office. During the time that Director of Finance holds office, the Director of Finance shall hold no elective Town office, but the Director of Finance may be appointed by the Select Board or, with its approval, by any other Town officer, board, committee or commission to any other Town office or position consistent with the office. The Director of Finance shall receive such aggregate compensation, not

661 exceeding the amount appropriated therefore, as the Select Board may determine. The Director
662 of Finance shall act by and for the Select Board in any matter which it may assign to the office
663 relating to the administration of the financial affairs of the Town or of any Town office or
664 department under its supervision and control or, with the prior approval of the Select Board, may
665 perform such other duties as may be requested of the Director of Finance by any other Town
666 officer, board, committee or commission.

667 (c) In addition to those duties otherwise established by law, the specific duties and
668 qualifications of the Director of Finance shall be as follows:

669 The Director of Finance shall be responsible for assisting the Town Administrator in the
670 preparation of the budget and the long-range strategic financial plan.

671 Section 5-3 Fiscal Year

672 The Town of Fairhaven shall operate on a fiscal year, commencing on July 1 and
673 terminating on June 30 of each year, unless another period is required by general law.

674 Section 5-4 Capital Planning

675 (a) A Capital Improvement Program is established for land purchases, construction
676 and renovation of buildings, major equipment and machinery purchases, road and drainage
677 reconstruction, and the construction and reconstruction of special facilities such as local school
678 projects, sewer and water mains, and water treatment and sewage disposal facilities.

679 (b) There shall be a Capital Planning Committee ("Committee") appointed by the
680 Select Board and consisting of seven (7) voting members, and three or more nonvoting ex officio
681 members, to assist and advise the Town Administrator in preparing a five (5) year Capital

682 Improvement Plan. The voting members shall serve terms of three (3) years. Initially two (2)
683 voting members shall serve for one (1) year, two (2) for two (2) years, and three (3) for three (3)
684 years, and they may be reappointed. The Committee shall be comprised as follows:

685 i. Voting members:

686 i. One (1) member of the Board of Public Works or an appointee thereof;

687 ii. A person who is a member of the Fairhaven local School Committee or an
688 appointee thereof;

689 iii. A resident of Fairhaven who represents the business, financial, or banking
690 community;

691 iv. A resident of Fairhaven with experience in the management of construction
692 activities;

693 v. A resident of Fairhaven knowledgeable about the Town's needs in the areas of
694 open space and recreation facilities or activities;

695 vi. The Finance Director;

696 vii. The Town Administrator; and

697 ii. Such other nonvoting ex officio members as the Select Board deems appropriate
698 from time to time.

699 Section 5-5 Board of Assessors

(a) The Board of Assessors shall consist of three (3) members, appointed by the Select Board to serve on a part-time basis for a term of three (3) years.

(b) The members of the Board of Assessors shall be responsible for hearing appeals and deciding abatements and shall have such other duties as prescribed by the general laws and bylaws.

ARTICLE VI – SCHOOL COMMITTEE

(a) Term of Office There shall be a duly elected School Committee consisting of five (5) members who shall be elected for three (3) year overlapping terms.

(b) Reports To – Voters. The School Committee is responsible to the voters and residents of the town. The School Committee shall report on the state of the schools directly to Town Meeting and shall also meet jointly with the Select Board, at least once each calendar year for the purpose of sharing information.

(c) Powers & Authority. The School Committee shall have all powers and duties which are conferred on school committees by general law, this Charter, or town bylaws, that are not inconsistent with the granting of powers conferred by the General Laws. The powers and duties of the School Committee shall include the following:

i. To appoint a superintendent of the schools who shall manage the school system in a fashion consistent with law and the policy determinations of the School Committee and, upon the recommendation of the Superintendent, the School Committee may also establish and appoint positions of assistant or associate superintendents as provided by law.

ii. To appoint the school business administrator, administrator of special education, school physicians and/or registered nurses, supervisors of attendance, and legal counsel.

iii. To establish educational goals and policies for the schools in the Town consistent with the requirements of law and statewide goals and standards established by the State Board of Education.

iv. To propose and to oversee the administration of an annual operating budget for the School Department, subject to appropriation by the Town Meeting.

v. To have general charge and superintendence of all school buildings and grounds and furnish all school buildings with proper fixtures, furniture and equipment.

ARTICLE VII - GENERAL PROVISIONS

Section 7-1 Charter Changes

(a) In General - This Charter may be replaced, revised or amended in accordance with the procedures made available by Article LXXXIX (eighty-nine) of the amendments to the State Constitution and any legislation enacted to implement said amendment.

(b) Periodic Review. Within three (3) years of adoption of this Charter (or earlier if a serious problem has arisen) the Select Board shall direct the Town Moderator to appoint a committee to review and suggest any changes needed to the charter, referred to as the Initial review. The committee shall consist of seven (7) residents of the Town of Fairhaven, excluding Town employees or members of the Select Board. The committee shall report and recommend any changes at the next subsequent town meeting. After the Initial review, this Charter shall be reviewed every nine (9) years in the same manner described above.

741 Section 7-2 Severability

742 The provisions of the Charter are severable. If any provision of the Charter is held
743 invalid, the other provisions of the Charter shall not be affected thereby. If the application of the
744 Charter or any of its provisions to any person or circumstance is held invalid, the application of
745 the Charter and its provisions to other persons and circumstances shall not be affected thereby.

746 Section 7-3 Specific Provisions to Prevail

747 To the extent that any specific provision of the Charter shall conflict with any provision
748 expressed in general terms, the specific provision shall prevail.

749 Section 7-4 Rules and Regulations

750 A copy of all rules and regulations adopted by Town agencies shall be placed on file in
751 the office of the Town Clerk and made available for review by any person who requests such
752 information. No rule or regulation adopted by any Town agency shall be effective until ten (10)
753 days following the date it has been published, in full, in local media and on the town website,
754 and placed on file in the office of the Town Clerk, or the later of the three.

755 Section 7-5 Uniform Procedures Governing Multiple-Member Bodies

756 (a) All multiple-member bodies of the Town, whether elected, appointed, or
757 otherwise constituted, shall meet regularly at such times and places within the Town as they may
758 prescribe. Special meetings of any multiple-member body shall be held on the call of the
759 respective Chair or by one-third of the members thereof. Such call shall be by written notice
760 delivered in hand or to the place of business or residence of each member at least forty-eight (48)
761 hours before the time set. Such call shall contain notice of the subjects which are to be acted

upon, and no other business shall be in order. A copy of the said notice shall be posted on the Town bulletin board. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public and to the press.

(b) A multi-member body may act only as a body at a legally called, posted meeting with a quorum present. Documents and other information provided to any individual member of a multi-member body shall be provided to all eligible members whenever relevant to a matter with the purview of the body. No individual member of a multi-member body may act on behalf of the body unless duly authorized by the body.

(c) Each multiple-member body shall determine its own rules and order of business, unless otherwise provided by law or by the Charter, and shall provide for keeping a record of its proceedings. These rules and records shall be public, certified by the Town Clerk, and kept available in the office of the Town Clerk, and on the Town website.

(d) Documents provided to multi-member bodies relating to meeting agenda items shall be provided no later than forty-eight (48) hours in advance of the meeting. If documents are provided less than forty-eight (48) hours in advance, unanimous consent from those present at the multi-member body meeting shall be required to accept those documents as part of the meeting materials.

Section 7-6 Definitions

(a) Charter – The word "Charter" shall mean this Charter and any amendments to it made through any of the methods provided under Article LXXXIX (eighty-nine) of the amendments to the State Constitution.

783 (b) Days – The word "days" shall refer to business days, not including Saturdays,
784 Sundays and legal holidays, when the time set is less than seven days. When the time set is seven
785 (7) days or more every day shall be counted.

786 (c) Department Head – The head of a department or section, the supervisor.

787 (d) Emergency – The word "emergency" shall mean a sudden, unexpected,
788 unforeseen happening, occurrence or condition which necessitates immediate action.

789 (e) Facilities – Any piece of Town property that has been improved with a fixture.

790 (f) Fixture – An improvement that is attached to the ground.

791 (g) general laws - The words "general laws" (all lower-case letters) shall mean laws
792 which apply alike to all cities and towns, to all towns, or to a class of municipalities of which
793 Fairhaven is a member.

794 (h) General Laws – The words "General Laws" (used with initial capital letters) shall
795 refer to the General Laws of the Commonwealth of Massachusetts as they exist at the time this
796 Charter is adopted and are intended to include all applicable amendments and revisions or to the
797 corresponding chapters and sections of any recodification or rearrangement of statutes adopted
798 subsequent to the adoption of this Charter.

799 (i) Majority vote – The words "majority vote" shall mean a majority of those present
800 and voting, providing a quorum of the body is present.

801 (j) Media – A means of communicating information to as wide a variety of people as
802 possible which may include newspapers, bulletin boards, radio and television, and 26 the
803 Internet.

804 (k) Multiple-Member Body – The words "multiple-member body" shall mean
805 anybody consisting of two (2) or more persons, whether elected, appointed or otherwise
806 constituted.

807 (l) Town – The word "Town" shall mean the Town of Fairhaven.

808 (m) Policy – The general principles by which a government is guided in its
809 management of public affairs. This term, as applied to law, ordinance, by-law, Town Charter, or
810 rule of law, denotes a general purpose or tendency considered as directed to the welfare or
811 prosperity of the state or community.

812 (n) Qualify – To take oath of office.

813 (o) Voters – The word "voters" shall mean persons registered to vote in the Town of
814 Fairhaven.

815 Section 7-7 Number and Gender

816 Words importing the singular number may extend and be applied to several persons or
817 things; words importing the plural number may include the singular. All language in the Charter
818 aspires to be gender neutral and will extend to and be applied to all people.

819 Section 7-8 Removals and Suspensions

820 Any appointed full-time, part-time, or seasonal employee of the Town, not subject to the
821 provisions of the civil service law or collective bargaining agreement, whether appointed for a
822 fixed or for an indefinite term, may be removed or suspended from their duties by the
823 Appointing Authority.

ARTICLE VIII – TRANSITIONAL PROVISIONS

Section 8-1 Continuation of Existing Laws

All general laws, special laws, Town by-laws, votes, rules and regulations of or pertaining to the Town, which are in force when this Charter takes effect and which are not specifically or by clear implication repealed hereby, shall continue in full force and effect until amended, repealed, or rescinded by due course of law or expire by their own limitation.

Section 8-2 Continuation of Government

(a) Continuation of agencies. All Town agencies shall continue to perform their duties until reappointed, or reelected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred and assumed by another Town agency.

(b) Planning Board. Notwithstanding any provision to the contrary, the members of the Planning Board shall be elected in accordance with this section. The members in office at the time this Charter takes effect shall remain in their elected positions until the expiration of their current terms. Thereafter, the members of the Planning Board shall be elected according to the following schedule:

i. The Planning Board shall become a nine-member board beginning in 2027. In 2027, three members shall be elected, each for a term of three years.

ii. In 2028, three members shall be elected, each for a term of three years, and one member shall be elected for a term of one year. The three candidates who receive the highest number of votes in the 2028 election shall be elected for a term of three years each, and the

844 candidate receiving the next highest number of votes in the 2028 election shall be elected for a
845 term of one year.

846 iii. Beginning in 2029 and each year thereafter, three members shall be elected for a
847 term of three years each.

848 Section 8-3 Continuation of Personnel

849 Any person holding a Town office or employment under the Town shall retain such
850 office or employment and shall continue to perform the duties of the office or employment until
851 provision shall have been made, in accordance with the Charter, for the performance of the said
852 duties by another person or agency. No person in the permanent, full -time service of the Town
853 shall, as a result of the adoption of the Charter, forfeit pay grade or time in service. All such
854 persons shall be retained in a capacity as similar to their former capacity as it is practical to do.

855 Section 8-4 Time of Taking Effect

856 The provisions of this Charter shall become effective upon the approval of the voters of
857 the Town voting hereon, except as in hereinafter provided:

858 (a) All persons serving in an elected Town office which, under the provision of the
859 Charter is to become an appointive office, shall continue to serve and shall continue to perform
860 the duties of the office until the expiration of the term for which they were elected. When such
861 term has expired, the appointing Authority shall appoint a suitable person to fill the vacancy,
862 given due consideration to the incumbent whose term has expired.

863 (b) Not more than forty-five (45) days following the election at which the Charter is
864 adopted or amended, the Select Board shall appoint a special committee of at least three (3)

865 members to review the existing by-laws of the Town, in order to bring them into conformity with
866 the provisions of the Charter. Said committee shall file a report, with recommendations, at the
867 following Town Meeting.