

SENATE No. 3059

Senate, April 30, 2026 - Text of the Senate amendment (Senator Montigny) to the House Bill relative to the charter of the town of Fairhaven (House, No. 4232).

The Commonwealth of Massachusetts

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

1 SECTION 1. Chapter 381 of the acts of 2014 is hereby repealed.

2 SECTION 2. Chapter 389 of the acts of 2014 is hereby repealed.

3 SECTION 3. The following shall be the charter for the town of Fairhaven:

4 ARTICLE I – INCORPORATION & POWERS OF THE TOWN

5 Section 1-1 Authorities and Understandings

6 This charter defines the government structure under which the town of Fairhaven
7 operates, creates local offices, distributes powers, duties and responsibilities among local offices
8 and establishes and defines certain procedures to be followed by the town of Fairhaven.

9 Section 1-2 Incorporation

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

13 Section 1-3 Short Title

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

16 Section 1-4 Division of Powers

17 The administration of the fiscal, prudential and municipal affairs of the town of
18 Fairhaven, with the government thereof, shall be vested in a representative town meeting-select
19 board-town administrator form of government.

20 Section 1-5 Powers of the Town

21 Subject only to express limitations on the exercise of any power or function by a
22 municipal government under the constitution of the commonwealth or the General Laws, it is the
23 intent and purpose of the voters of the town of Fairhaven, through the adoption of this charter
24 and its amendments to secure for the town all the powers possible to secure under the
25 constitution and statutes of the commonwealth, as fully as completely as though each such power
26 were specifically and individually enumerated herein.

27 Section 1-6 Interpretation of Powers

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

33 Section 1-7 Intergovernmental Relations

34 Consistent with any constitutional or statutory provisions, the town may exercise any of
35 its powers or perform any of its functions, and may participate in the financing thereof, jointly or
36 in cooperation, by contract or otherwise with any 1 or more municipalities, civil divisions, sub-
37 divisions or agencies of the commonwealth, other states or of the United States government.

38 ARTICLE II – EXECUTIVE BRANCH

39 Section 2-1 The Select Board

40 (a) Composition and Term of Office

41 The select board, consisting of 5 members, shall be elected at large for 3 year overlapping
42 terms. The general election for the office of select board members shall be held in accordance
43 with the provisions of the General Laws. Vacancies in the office of the select board shall be
44 filled by special election in accordance with provisions of the General Laws. At the first meeting
45 following the annual town election, the select board shall elect a chair, vice-chair and clerk from
46 among its members.

47 (b) General Powers

48 The executive powers of the town shall be vested in the select board, who shall have all
49 the powers given to select boards by the General Laws, except for those executive powers
50 granted to the town administrator. The select board shall serve as the chief goal-setting and
51 policy-making agency of the town. The duties and responsibilities for day-to-day management of
52 the town shall be delegated to the town administrator. The select board shall act through the
53 adoption of policy directives and guidelines which shall be implemented by the town
54 administrator and the officers and employees appointed by, or under the authority of, the select

55 board. Individual select board members shall not purport to represent the select board or exercise
56 the authority of the select board except when specifically authorized by the select board.

57 The select board shall:

58 (i) enact rules and regulations to implement policies and to issue interpretations;

59 (ii) exercise directly or through the town administrator, general supervision over all
60 matters affecting the interests or welfare of the town;

61 (iii) appoint town counsel, special counsels and all members of committees, boards and
62 commissions including appointments to temporary posts and committees created for special
63 purposes other than: (1) appointments to the finance committee which shall be made as set forth
64 in subsection (a) of section 5-1; (2) appointments made by the town moderator; and (3)
65 appointments made under the jurisdiction of the school committee or of the board of public
66 works;

67 (iv) have administrative oversight of such boards, committees and commissions
68 appointed by the select board;

69 (v) have the responsibility and authority for licenses and other quasi-judicial functions as
70 provided by the General Laws and by the by-laws of the town of Fairhaven;

71 (vi) issue all town meeting warrants;

72 (vii) review the annual proposed budget submitted by the town administrator and make
73 recommendations or changes with respect to the annual proposed budget as the select board
74 deems advisable; provided, however, that the town administrator shall present the budget to the
75 town meeting, incorporating the decisions of the select board;

76 (viii) appoint, and may re-appoint, and enter into a contract for the employment of a town
77 administrator, for a term of not more than 3 years, who shall be a person with executive and
78 administrative qualifications and especially fitted by education, training and experience to
79 perform the duties of the office; provided, however, that the town may from time to time, in its
80 by-laws, establish such additional qualifications as it deems necessary and appropriate; provided
81 further, that appointment and re-appointment of the town administrator shall require 4 members
82 voting in the affirmative, except that in the event of a member's recusal, only 3 affirmative votes
83 shall be required;

84 (ix) discipline the town administrator at any time, for cause, including a written notice
85 and opportunity to appeal; provided, however, that disciplinary action against the town
86 administrator shall require 4 members voting in the affirmative, except that in the event of a
87 member's recusal, only 3 votes in the affirmative shall be required;

88 (x) remove the town administrator at any time, for cause, following a formal procedure
89 including a written notice to dismiss, an opportunity for the town administrator to provide a
90 written response and a public hearing; provided, however, that the written response and public
91 hearing shall be completed within 30 days after the issuance of a written notice to dismiss, in
92 accordance with the terms of the town administrator's contract; provided further, that the removal
93 of the town administrator shall require 4 members voting in the affirmative except that in the
94 event of a member's recusal, only 3 votes in the affirmative shall be required;

95 (xi) set the compensation for the town administrator, not to exceed an amount
96 appropriated by town meeting; and

97 (xii) appoint a qualified person as acting town administrator to perform the duties of the
98 office during any vacancy caused by the town administrator's death, disability, suspension,
99 removal or resignation; provided, however, that the appointment of an acting town administrator
100 shall be for a period not more than 180 days; provided further, that an additional 180 days may
101 be allotted by vote of the select board if no qualified replacement is hired within the initial 180-
102 day time period.

103 Section 2-2 Town Administrator

104 The town administrator shall be the chief administrative officer of the town and shall act
105 as the agent for the select board. The town administrator shall be responsible to the select board
106 for coordinating and administering all town affairs under the jurisdiction of the select board.

107 The town administrator shall have the following powers and duties:

108 (i) consult and advise the select board regarding town policies and shall implement town
109 policies;

110 (ii) attend all meetings of the select board, except when excused, and consult with and
111 advise the select board on all matters that come before the select board;

112 (iii) attend all town meetings and advise the select board on all warrant articles within the
113 jurisdiction of the select board.

114 (iv) attend all finance committee meetings, except when excused by the select board or
115 when the town administrator's qualified designee attends and keep the finance committee
116 informed on all matters under the jurisdiction of the town administrator that comes before the
117 committee;

118 (v) other than for the school department and public works department, manage and direct
119 the daily reporting and supervision of all town departments, boards, committees and
120 commissions under the jurisdiction of the select board, including the fire department subject to
121 section 42 of chapter 48 of the General Laws;

122 (vi) review and advise the select board on all warrants for the payment of bills from town
123 funds as prepared by the town accountant in accordance with section 56 of chapter 41 of the
124 General Laws;

125 (vii) except with respect to the school department, and except with respect to the hiring
126 and firing of employees within the public works department, have day-to-day management and
127 authority over the administration of the town's personnel system, including, but not limited to,
128 personnel polices and practices, rules and regulations and all collective bargaining agreements
129 entered into on behalf of the town; provided, however, that with respect to the fire department,
130 such authority shall be subject to section 42 of chapter 48 of the General Laws; provided further,
131 that the town administrator shall act as the personnel board under all applicable laws and by-
132 laws, except as otherwise set forth in this act; and provided further, that the select board, in
133 cooperation with the town administrator, shall make recommendations to town meeting with
134 respect to wages, salaries and other benefits of employees of the town;

135 (viii) administer the town's insurance policies, including the ability to settle claims;
136 provided, however, that all insurance contracts and claims settlements shall receive the prior
137 approval of the select board;

138 (ix) subject to the approval of the select board, appoint, suspend and remove department
139 heads under the direct control of the town administrator; provided, however, that the town

140 administrator shall file a notice of intent for such action with the select board; provided,
141 however, that the select board shall have 15 days to affirm or deny the intended action; provided
142 further, that within the 15-day period, the select board may, by a majority vote of the full board:
143 (1) affirm such action, in which case the decision becomes effective immediately; or (2) deny
144 such action; provided further, that if the select board does not make a decision to affirm or deny
145 the action within the applicable time period, the decision of the town administrator shall become
146 effective on the expiration of the fifteenth day; provided further, that if the select board is unable
147 to meet within the 15-day period, the chair of the select board shall notify the town administrator
148 in writing, at which time the appointment, suspension or removal action shall be delayed and
149 subject to vote by the select board at the next scheduled meeting; and provided further, that if the
150 select board does not wish to take any action, it shall also notify the town administrator of such a
151 decision;

152 (x) each department head, with the prior approval of the town administrator, shall appoint
153 and remove all department staff within their respective departments; provided, however, that all
154 appointments shall be based entirely on merit and fitness; provided further, that all appointments
155 and terminations shall be conducted in accordance with the General Laws, personnel policies,
156 by-laws of the town of Fairhaven and any applicable employment contracts; provided further,
157 that fire department appointments shall also be subject to section 42 of chapter 48 of the General
158 Laws;

159 (xi) with the prior approval of the select board, reorganize any departmental structures
160 under the jurisdiction of the town administrator; provided, however, that prior to any
161 reorganization, the town administrator shall submit to the select board information concerning
162 the recommended reorganization including, but not limited to, financial details and impacts of

163 the reorganization, alterations to staffing structures and hierarchy as a result of the
164 reorganization, changes to the town infrastructure or asset modifications as a result of the
165 reorganization and any other information requested by the select board;

166 (xii) with the prior approval of the select board, negotiate all collective bargaining
167 agreements on behalf of the town, except that collective bargaining agreements between the town
168 of Fairhaven and employees of the school department shall be negotiated by the school
169 committee; provided, however, that the town administrator shall participate and vote as a
170 member of the town's school committee on any proposed collective bargaining agreement;
171 provided further, that in collective bargaining negotiations with unions representing employees
172 in the public works department, the town will be represented by the town administrator, the
173 superintendent of public works and a member of the board of public works; provided further, that
174 the town administrator may seek the assistance of labor counsel if the town administrator deems
175 it necessary to effectuate successful negotiations; and provided further, that all final agreements
176 must be approved and executed by the select board and funded by vote of town meeting;

177 (xiii) with the prior approval of the select board, establish compensation packages for all
178 town employees under the jurisdiction of the town administrator, not subject to a collective
179 bargaining agreement; provided, however, that such compensation shall not exceed the amount
180 appropriated by town meeting and shall be subject to all applicable laws and town by-laws;

181 (xiv) submit to the select board and finance committee, a written proposed budget for
182 town government for the ensuing fiscal year, due annually, not later than December 31, which
183 shall include: (1) all estimated revenue from all sources and all proposed expenditures, including
184 debt service for the previous, current and ensuing 5 years; (2) proposed expenditures for both

185 current operations and capital projects during the ensuing year, detailed by department,
186 committee, agency, financial justification, purpose and position and proposed financing methods;
187 (3) estimated revenues and free cash available at the close of the fiscal year, including estimated
188 balances in special accounts; provided, however, that the town may, by by-law, establish
189 additional financial information and reports to be provided by the town administrator; provided
190 further, that to assist the town administrator in preparing the proposed annual budget of revenue
191 and expenditures, the finance director, all boards, officers and committees of the town, including
192 the school committee and the board of public works, shall furnish to the town administrator, in a
193 writing in such a form as the town administrator shall establish, all relevant information in their
194 possession, including a detailed estimate of the appropriations required and any available funds;

195 (xv) report on the probable amount required to be levied and raised by taxation to defray
196 all expenses and liabilities of the town together with an estimate of the necessary tax rate;

197 (xvi) in consultation with the select board, establish calendar dates by which the proposed
198 budget, revenue statement and tax rate estimate are to be submitted to the select board and the
199 finance committee;

200 (xvii) submit annually to the select board and finance committee, a 5-year capital
201 improvements program, or the same as approved by a formal capital planning committee, to
202 include: (1) a list of all capital improvements and supporting data proposed to be undertaken
203 during the next 5 years; (2) cost estimates, methods of financing and recommended time
204 schedule; (3) the estimated annual cost of operating and maintaining any facility to be
205 constructed or acquired; and (4) identified return on investment for capital expenditures as
206 applicable;

207 (xviii) advise the select board, at least once a month, of all departmental year-to-date
208 revenues and expenditures;

209 (xix) direct action as deemed necessary to ensure that all operating and capital budgets
210 under the direct control of the town administrator are maintained in accordance with the town
211 meeting vote that approved those budgets and coordinate efforts with the governing bodies of
212 those departments not under the direct supervision of the town administrator to ensure that those
213 operating and capital budgets are maintained in accordance with the town meeting vote that
214 approved those budgets;

215 (xx) keep and complete records of the office of the town administrator and annually
216 submit to the select board, unless requested to do so more frequently, a full report of the
217 operations of the office;

218 (xxi) with direction and guidance from the select board, coordinate the operational and
219 strategic planning of the town;

220 (xxii) serve as the procurement officer for the town and establish and enforce
221 procurement policies and guidelines in accordance with applicable state laws;

222 (xxiii) manage and oversee the use, maintenance, security and, with the prior approval of
223 the select board, regulate the rental for all the town buildings, properties and facilities, including
224 information technology, except those under the jurisdiction of the school department or the
225 public works department, unless requested by either of those departments;

226 (xxiv) prepare the application of all town warrants for approval by the select board;

227 (xxv) with the prior approval of the select board, prosecute, defend and settle all litigation
228 for or against the town or its officers and employees, subject to such appropriation as may be
229 necessary to effectuate settlement, except for litigation involving the school department or the
230 public works department, unless requested by either of those departments;

231 (xxvi) delegate and direct any qualified town official or employee to carry out any duty
232 that is within the authority of the town administrator;

233 (xxvii) during a temporary absence, with the prior approval of the select board, the town
234 administrator may designate a qualified administrative employee or officer of the town to
235 exercise the powers and perform the duties of the town administrator;

236 (xxviii) perform any other duties or tasks assigned by the select board, town meeting or
237 mandated by applicable state law;

238 (xxix) have access to all municipal books, papers and documents or information
239 necessary for the proper performance of the duties of the town administrator; provided, however,
240 that the town administrator may, without notice, cause the affairs of any division or department
241 under the supervision of the town administrator, or the conduct of any officer or employee
242 thereof, to be examined;

243 (xxx) with the prior approval of the select board, sell or dispose of town property or
244 assets; provided, however, that the town administrator shall work collaboratively with
245 departments, committees, and boards to determine if any town items declared surplus can be
246 utilized by another department, committee or board; provided further, that the town administrator
247 shall provide written notice of town items declared surplus to departments, committees and

248 boards and wait a minimum of 30 days after the written notice is provided before said surplus is
249 released for sale or disposal; and

250 (xxxii) except as otherwise authorized by general or special law, the town administrator
251 may not enter, sign or bind the town to any agreement or contract regardless of the length of
252 contract, and with or without an auto-renew clause, if the total value of the contract exceeds
253 \$50,000, without the prior approval of the select board.

254 ARTICLE III – ELECTED OFFICERS

255 Section 3-1 Elected Offices

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

258		Number of Members	Length of Term (Years)
259	Select Board	5	3
260	Board of Public Works	5	3
261	Planning Board	9	3
262	School Committee	5	3
263	Housing Authority	5	5
264	Town Moderator	1	3
265	Board of Health	3	3
266	Commissioners of Trust Funds 3		3

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Town Clerk

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Elected officers shall perform the duties and have the authority set forth in the Constitution of the Commonwealth and the General Laws, this charter, town by-laws, statutes and applicable regulations of other government jurisdictions.

The number of signatures of voters required to place the name of a candidate for any town office on the official ballot for use at any town election shall be as specified in the General Laws. If a vacancy occurs in any elected office, the office shall be filled in accordance with the General Laws.

Section 3-2 Planning Board

There shall be a planning board consisting of 9 members elected for 3-year overlapping terms 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 5 members, 1 of whom shall be appointed by the commonwealth, 1 of whom shall be a tenant member appointed by the select board and 3 of whom shall be elected at town meeting. All members shall serve for 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

286 The board of health shall consist of 3 members elected for 3 year overlapping terms. The
287 board of health shall appoint and supervise a health agent in accordance with the town's
288 personnel by-laws and regulations and policies adopted thereunder. The health agent shall be
289 subject to the personnel by-laws unless exempted as provided therein. The board of health shall
290 comply with all state and federal regulations in the performance of their duties and
291 responsibilities including, but not limited to, control of communicable diseases, control over
292 dairy products, standards and regulations for food service establishments, sewage systems,
293 dumping, littering and related inspections and fees.

294 Section 3-5 Town Clerk

295 The town clerk is a primary provider of information and quality services to the
296 community and works cooperatively and in coordination with town departments, committees and
297 boards to comply with state and local laws. The town clerk is the official record keeper of the
298 municipality.

299 The town clerk shall be elected for a 3-year term and receive a salary.

300 Section 3-6 Board of Public Works

301 (a) The board of public works shall consist of 5 members, each elected for a 3-year
302 term. Upon the expiration of the term of any member, a successor shall be elected at an annual
303 town election to serve. The members of the board of public works shall serve until their
304 successors are qualified. The members of the board of public works shall, after each annual town
305 election, elect from among its members a chairperson and a clerk for the ensuing year. In the
306 case of a vacancy, the select board shall, within 30 days of such vacancy, appoint a person to fill
307 such vacancy until the next annual town election, when a member shall be elected to fill the

308 unexpired term resulting from such vacancy. No person shall serve on the board of public works
309 if such person: (i) holds an elected or appointed office in the town other than as a member of
310 town meeting; or (ii) is an employee of the town.

311 (b) The board of public works shall have all the powers and duties vested by general
312 or special laws, this charter and the town by-laws to the following boards, departments and
313 offices in the town of Fairhaven: highway department, water and sewer commissioners, park
314 commissioners, cemetery commissioners, refuse and garbage collection and, with respect to
315 construction and maintenance only, the town dump.

316 Notwithstanding any general or special law to the contrary, the board of public works
317 shall have such additional powers with respect to the furnishing of engineering services for
318 public works projects and the performance of such duties by any other boards, departments and
319 offices of the town as may be reasonably related to the duties and responsibilities of a board of
320 public works, as the town may, from time to time, provide in its by-laws.

321 (c) The board of public works shall appoint and fix the compensation of the
322 superintendent of public works who shall exercise and perform, under the supervision and
323 direction of the board of public works, such powers, rights and duties assigned to it under
324 subsections (b) and (c) as it may, from time to time, designate. The superintendent shall be
325 responsible for the efficient exercise and performance of such powers, rights and duties and shall
326 hold office subject to the will of the board of public works and shall not be subject to any
327 provisions of chapter 31 of the General Laws. The superintendent shall be specially fitted by
328 education, training, and experience to perform the duties of said office and need not be a resident
329 of the town.

330 During the superintendent's tenure, the superintendent shall not hold elective office or be
331 engaged in any other business or occupation. The superintendent shall give to the town a bond
332 with a surety company authorized to transact business in the commonwealth as surety, for the
333 faithful performance of their duties, in such sum and upon such conditions as the board may
334 require, and shall, subject to the approval of the board of public works, appoint such assistants,
335 agents and employees as the exercise and performance of the superintendent's powers, rights and
336 duties may require. The superintendent shall keep full and complete records of the doings of the
337 office and render to the board of public works as often as it may require a full report of all
338 operations under the superintendent's control during the period reported upon and annually, and
339 from time to time as required by the board of public works, the superintendent shall make a
340 synopsis of such reports for publication. The superintendent shall keep the board of public works
341 fully advised as to the needs of the town within the scope of the superintendent's duties and shall
342 furnish to the board of public works each year upon its request a carefully prepared and detailed
343 estimate in writing of the appropriations required during the next succeeding fiscal year for the
344 proper exercise and performance of all said powers, rights and duties.

345 (d) The board of public works shall appoint and fix the compensation of the
346 superintendent of highways who shall exercise and perform, under the supervision and direction
347 of the board, such powers, rights and duties, assigned to it under subsections (b) and (d) as it
348 may, from time to time, designate. The superintendent of highways shall be responsible for the
349 efficient exercise and performance of such powers, rights and duties and shall hold office subject
350 to the will of the board of public works and shall not be subject to any provisions of chapter 31
351 of the General Laws. The superintendent of highways shall be specially fitted by education,
352 training, and experience to perform the duties of said office and need not be a resident of the

353 town. During the superintendent's tenure, the superintendent of highways shall hold no elective
354 or other appointive office, nor shall engage in any other business or occupation.

355 Section 3-7 Commission of Trust Funds

356 There shall be a commission of trust funds consisting of 3 members elected for
357 overlapping 3 year terms. The commission of trust funds shall be responsible for the
358 management of all trust funds given or bequeathed for the benefit of the town or the inhabitants
359 thereof, unless the donor in making the gift or bequest shall provide otherwise and shall have
360 such other duties as assigned to commissions of trust funds by the General Laws.

361 Section 3-8 Recall of Elected Officials

362 (a) Any person who holds an elected office in the town of Fairhaven, with more than
363 6 months remaining in the term of such office on the date of filing of the affidavit referred to in
364 subsection (b), may be recalled from office by the registered voters in the town of Fairhaven, in
365 the manner provided herein.

366 (b) Not less than 50 registered voters of the town of Fairhaven may file with the town
367 clerk of the town of Fairhaven an affidavit containing the name of the officer whose recall is
368 sought and a statement of the grounds upon which the petition is based. The town clerk shall
369 deliver to said voters petition blanks demanding said recall, printed forms of which the town
370 clerk shall keep available. Said blanks may be completed in writing or by typewriting and they
371 shall: (i) be addressed to the select board; (ii) contain the names of the persons who filed the
372 affidavit and the grounds for recall as stated in the affidavit; (iii) demand the election of a
373 successor to the office; and (iv) be dated and signed by the town clerk. A copy of the petition
374 shall be kept on file in the office of the town clerk in a record book maintained for that purpose.

375 The recall petitions shall be returned and filed in the office of the town clerk within 14 days
376 following the date the petitions were issued, signed by not less than 20 per cent of the total
377 number of registered voters of the town duly recorded on the registration list of the town clerk as
378 of the preceding town election. The town clerk shall, not later than 25 hours following such
379 filing, submit said petitions to the registrars of voters who shall, within 7 days, certify thereon
380 the number of signatures which are names of registered voters of the town.

381 (c) If the petition is certified by the registrars of voters to be sufficient, the town clerk
382 shall forthwith submit the same to the select board. Upon its receipt of the certified petition, the
383 select board shall not later than 48 hours after such receipt give written notice of said petition
384 and certificate to the officer whose recall is sought. If said officer does not resign the office not
385 later than 5 days following delivery of the said notice, the select board shall order an election to
386 be held not less than 60 nor more than 90 days after the date of the registrars' certificate of the
387 sufficiency of the petition. If another town election is set to occur within 100 days after the date
388 of the certificate, the select board shall hold the recall election on the date of said other town
389 election. If a vacancy occurs in the office after a recall election has been ordered, the election
390 shall nevertheless proceed as provided in this section, but only the ballots for candidates need be
391 counted.

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

396 (e) The officer whose recall is sought shall continue to perform the duties of the
397 office until the recall election. If the officer is not recalled in the election then such officer shall
398 continue in office for the remainder of the unexpired term, subject to recall as before, except as
399 provided herein. If the officer is recalled in the election, then said officer shall be deemed
400 removed upon the qualification of the successor who shall hold office for the remainder of the
401 unexpired term. If the successor fails to qualify within 5 days after receiving notification of
402 election, the officer recalled shall thereupon be deemed removed and the office vacant.

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

405 i. For the recall of (name of officer)

406 ii. Against the recall of (name of officer)

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

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

416 ARTICLE IV – LEGISLATIVE BRANCH

417 Section 4-1 Representative Town Meeting

418 (a) The territory of the town shall be divided into not less than 4 nor more than 8
419 voting precincts, each of which shall be plainly designated and shall contain not less than 500
420 registered voters. The precincts shall be so established as to consist of compact and contiguous
421 territory, to be bounded as far as possible by the center line of known streets and ways or by
422 other well-defined limits. Their boundaries shall be reviewed and, if need be, wholly or partially
423 revised by the districting board in accordance with section 6 of chapter 54 of the General Laws.

424 The town clerk shall notify every registered voter affected by a change in precinct
425 boundaries or a change in polling place. The districting board shall, within 20 days after any
426 establishment or revision of the precincts but not later than December 20 of the year of such
427 establishment or revision, file a report of their doings with the town clerk, the registrars of voters
428 and the assessors, with a map or descriptions of the precincts and the names and residences of the
429 registered voters therein. The districting board shall also cause to be posted in the town hall a
430 map or description of the precincts as established or revised from time to time, with the names
431 and residences of the registered voters therein and it shall also cause to be posted in at least 1
432 public place in each precinct a map or description of that precinct with the names and residences
433 of the registered voters therein.

434 The division of the town into voting precincts and any revision of such precincts shall
435 take effect upon the date of the filing of the report thereof by the districting board with the town
436 clerk. Whenever the precincts are established or revised, as permitted by the General Laws, the
437 town clerk shall forthwith give written notice thereof to the state secretary, stating the number
438 and designation of the precincts. Meetings of the registered voters of the several precincts for

439 elections, primaries and voting upon any question to be submitted to all the voters of the town
440 shall be held on the same day and at the same hour and at such place or places within the town as
441 the select board shall in the warrant for such meeting direct. The provisions of the General Laws
442 relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall
443 apply to all elections and primaries in the town upon the establishment of voting precincts as
444 hereinbefore provided.

445 (b) Other than the officers designated in subsection (c) as town meeting members-at-
446 large, the representative town meeting membership shall in each precinct consist of the largest
447 number divisible by 3 which shall not exceed 2.7 per cent of the persons residing in the precinct.
448 The registered voters in every precinct shall, at a special election called for that purpose to be
449 held not sooner than 30 days after the establishment of precincts under this charter, or at the first
450 annual town election held after the establishment thereof, and at the first annual town election
451 following any precinct revision where the number of precincts is changed, in conformity with
452 any general and special law relative to elections not inconsistent with this act, elect by ballot the
453 number of registered voters in the precinct, other than the officers designated in subsection (c) as
454 town meeting members-at-large, provided for in the first sentence of this section, to be town
455 meeting members of the town. The first third in order of votes received of members so elected
456 shall serve terms of 3 years, the second third in such order shall serve terms of 2 years and the
457 remaining third in such order shall serve terms of 1 year, from the day of the annual town
458 meeting or, in case such election is at a special meeting, from the date of the next annual town
459 meeting; provided, however, in case of a tie vote affecting the division into thirds, the members
460 elected from the precinct shall by ballot determine the same and thereafter, except as is otherwise
461 provided herein, at each annual town election the registered voters of each precinct shall, in like

462 manner, elect 1/3 of the number of town meeting members to which that precinct is entitled for
463 the term of 3 years and shall at such election fill for the unexpired term any vacancy then
464 existing in the number of town meeting members in their respective precincts.

465 The ballot shall include a separate line for each available term length, either 3 years, 2
466 years, or 1 year. Voters may write in a candidate's name under the appropriate term length to
467 which they wish to elect the candidate. Write-in votes will be counted only for the term specified
468 on the corresponding ballot line. If a voter writes-in a candidate's name on multiple lines for
469 separate term lengths, the vote shall only be counted for the lesser of the term lengths. Upon
470 every revision of the precincts where the number of precincts is changed, the terms of office of
471 all town meeting members from every precinct shall cease upon the election of their successors.
472 The town clerk shall, after every election of town meeting members, forthwith notify each
473 member by mail of their election.

474 (c) Any representative town meeting held under the provisions of this act, except as
475 otherwise provided herein, shall be limited to the voters elected under subsection (b), together
476 with the following designated town meeting members-at-large: any member of the general court
477 who is a resident of the town; the town moderator; the town clerk; the members of the select
478 board; the members of the board of health; the members of the school committee; the members
479 of the planning board; the members of the board of public works; the commissioners of trust
480 funds; the elected members of the housing authority; and the chair of the finance committee. All
481 the foregoing shall be included within the general designation of town meeting members. The
482 town clerk shall notify the town meeting members of the time and place at which representative
483 town meetings are to be held by mail or electronically at least 7 days before the meeting.

484 The town meeting members shall be the judges of the election and qualifications of their
485 members. One hundred town meeting members shall constitute a quorum for doing business;
486 provided, however, that for purposes of adjourning a meeting, 75 town meeting members shall
487 constitute a quorum. Notice of every adjourned representative town meeting shall be posted by
488 the town clerk in at least 1 public place in each precinct. The notices shall state the business to be
489 acted upon at any meeting and shall include notice of any proposed reconsideration. All town
490 meetings shall be held in public places. Town meeting members shall receive no compensation.
491 Subject to such conditions as may be determined from time to time by the representative town
492 meeting, any voter of the town who is not a town meeting member may speak at any
493 representative town meeting, but shall not vote. A town meeting member may resign by filing a
494 written resignation with the town clerk and such resignation shall take effect upon the date of
495 such filing. No elected member whose official position entitles them to be a town meeting
496 member at-large shall act as a member at-large during such time as they remain an elected
497 member. A town meeting member who moves from the town shall cease to be a town meeting
498 member and an elected town meeting member who moves from the precinct from which they
499 were elected to another precinct or is removed by a revision of precincts shall only serve until the
500 next annual election.

501 (d) Nomination of candidates for town meeting members to be elected under this
502 charter shall be made by nomination papers signed by not less than 10 voters of the precinct in
503 which the candidate resides and filed with the town clerk at least 35 days before the election;
504 provided, however, that any town meeting member may become a candidate for reelection by
505 giving written notice thereof to the town clerk not less than 49 days before election. No

506 nomination papers shall be valid with respect to any candidate whose written acceptance is not
507 thereon or attached thereto when filed.

508 (e) The articles in the warrant for every town meeting, so far as they relate to the
509 election of the town officers, town meeting members and, as herein provided, to referenda and all
510 matters to be acted upon and determined by ballot of the town, shall be acted upon and
511 determined by the voters in their respective meetings by precinct. All other articles in the warrant
512 for any town meeting, beginning with the elected, shall be acted upon and determined
513 exclusively by town meeting members at a meeting to be held at such time and place as shall be
514 set forth by the select board in the warrant for the meeting, subject to the referendum provided
515 for by subsection (g).

516 (f) Any vacancy in the full number of town meeting members from any precinct,
517 whether arising from a failure of the registered voters thereof to elect or from any other cause,
518 may be filled until the next annual election by the remaining elected town meeting members of
519 the precinct from among the registered voters thereof. Notice of any vacancy shall be given by
520 the town clerk to the remaining members from the precinct in which the vacancy exists and the
521 town clerk shall call a special meeting of such members prior to any annual or special town
522 meeting for the purpose of filling the vacancy. The town clerk shall cause to be mailed to every
523 such member, not less than 7 days before the time set for the meeting, a notice specifying the
524 object, time and place of the meeting. At the meeting 1/3 of the elected members from such
525 precinct shall constitute a quorum and they shall elect from their own membership a chair and a
526 clerk. The choice to fill any vacancy shall be by written ballot, unless waived by a 2/3 vote of
527 those present and require the successful candidate to receive a majority of the votes cast. The
528 chair and clerk shall count the ballots and shall make a certificate of the candidate selected to fill

529 the vacancy and forthwith file the same with the town clerk, together with a written acceptance
530 by the member so chosen who shall thereupon be deemed elected and qualified town meeting
531 member, subject to the right of all the town meeting members to judge of the election and
532 qualifications of the members as set forth in section (c).

533 (g) A vote passed at any representative town meeting authorizing the expenditure of
534 not less than \$20,000, as an appropriation other than town charges, shall not be operative until
535 after the expiration of 5 days, exclusive of Sundays and holidays, from the dissolution of the
536 meeting. If, within said 5 days a petition, signed by not less than 5 per cent of the registered
537 voters of each precinct, containing their names and addresses as they appear on the list of
538 registered voters, is filed with the select board requesting that the question involved in such vote
539 be submitted to the voters of the town at large, then the select board, within 14 days after the
540 filing of the petition, shall call a special meeting, which shall be held within 10 days after the
541 issuing of the call, for the purpose of presenting to the voters at large the question so involved.
542 The polls shall be opened at 2:00 p.m. and shall be closed not earlier than 8:00 p.m. All votes
543 upon any questions so submitted shall be taken by ballot and the check list shall be used in the
544 several precinct meetings in the same manner as in the election of town officers. The questions
545 so submitted shall be determined by a majority vote of the registered voters of the town voting
546 thereon, but no action of the representative town meeting shall be reversed unless not less than
547 20 per cent of the registered voters of the town duly recorded on the registration list of the town
548 clerk as of the preceding town election shall vote to disapprove such action. The questions so
549 submitted shall be stated upon the ballot in substantially the same language and form in which
550 they were stated when presented to the representative town meeting by the moderator as appears

551 from the records of the said meeting. If such petition is not filed within the 5-day period, the vote
552 of the representative town meeting shall become operative.

553 (h) The town of Fairhaven, after the acceptance of this charter, shall have the capacity
554 to act through and be bound by its town meeting members who shall, when convened from time
555 to time as herein provided, constitute representative town meetings; and representative town
556 meetings shall exercise exclusively, as so provided for in this charter, all powers vested in the
557 municipal corporation. Action in conformity with all provisions of law now or hereafter
558 applicable to the transaction of town affairs in town meetings shall, when taken by any
559 representative town meeting in accordance with the provisions of this charter, have the same
560 force and effect as if such action had been taken in a town meeting open to all the voters of the
561 town is heretofore organized and conducted.

562 (i) The representative town meeting may make such rules, consistent with General
563 Laws, as may be necessary for conducting its meetings.

564 (j) The representative town meeting may appoint such committees for investigation
565 and report as necessary.

566 (k) The provisions of chapter 44 of the General Laws shall continue to apply in the
567 town of Fairhaven notwithstanding the provisions of this charter.

568 (l) This charter shall not abridge the right of the inhabitants of the town of Fairhaven
569 to hold general meetings, as that right is secured to them by the constitution of the
570 commonwealth, nor shall this charter confer upon any representative town meeting in the town
571 of Fairhaven the power to commit the town to any measure affecting its municipal existence or

572 changing its government, without action thereon by the voters of the town at large, using the
573 ballot and the check list therefor.

574 Section 4-2 Town Moderator

575 (a) A town moderator shall be elected by ballot for a 3-year term and shall serve as
576 moderator of all town meetings, except as otherwise provided by law, until a successor is elected
577 and qualified. Nominations for and election of a moderator shall be as in the case of other
578 elective town officers and any vacancy in the office may be filled by town meeting members at a
579 meeting held for that purpose.

580 (b) Not less than 30 days prior to a town meeting, the moderator may appoint an
581 assistant town moderator who may preside at all or a portion of the meeting and otherwise act in
582 the stead of the moderator. When so designated, the assistant town moderator shall have all the
583 powers vested by law in the moderator to preside at and regulate the proceedings in the meeting.

584 (c) If a moderator is absent and no assistant town moderator has been appointed as
585 provided for in subsection (b), a moderator pro tempore may be elected by the town meeting
586 members.

587 Section 4-3 Town Meeting Warrants

588 (a) In General – Every town meeting shall be called by a warrant issued by the select
589 board which shall state the time and place of the meeting and, by separate articles, the subjects
590 which are to be acted upon. The warrant shall list all matters to be voted on at the town meeting
591 and the date, time and location of such meeting.

592 (b) Initiation of Warrant Articles – Registered voters of the town may secure
593 inclusion of an article on the warrant by written petition submitted in accordance with the
594 General Laws.

595 (c) Warrants – After voting to open any annual town meeting or special town meeting
596 warrant, the select board, within the ensuing 24 hours, shall post notice of such vote on the
597 town’s website. The warrant for any town meeting shall be served by posting a printed copy
598 thereof at or near the front entrance of the town hall and at or near the public entrances of all the
599 polling places in the town at least 7 days before the date of said meeting. The notice shall
600 identify the opening and closing dates of the warrant and shall identify the place where citizen
601 petitioned articles may be submitted. No annual town meeting or special town meeting warrant
602 may close until such notice has been posted for not less than 10 calendar days. Subsequent to the
603 posted warrant opening and closing dates, the select board may vote to reopen and close the
604 warrant in order to receive additional warrant articles.

605 (d) Circulation of Warrant – Annual town meeting and special town meeting warrants
606 shall be posted on the town clerk’s bulletin board, on the town website and in local media. Not
607 later than 21 days before the annual town meeting and any special town meeting, the select board
608 shall deliver the warrant to the finance committee and the moderator.

609 ARTICLE V – FINANCE

610 Section 5-1 Finance Committee

611 (a) Appointment of members; terms. There shall be a finance committee consisting of
612 13 members, 2 members to be appointed from each voting precinct in the manner and at the time
613 hereinafter prescribed and 1 member to be appointed at large. There shall be appointed each year

614 by the chair of each precinct 1 member from such precinct to serve for a period of 2 years. The
615 moderator, chair of the select board and chair of the finance committee for the preceding year
616 shall, annually at a meeting called for such purpose, appoint one 1 member at large, who shall
617 serve for a period of one 1 year.

618 (b) Organizational meeting. The finance committee shall, after notification of
619 appointment and within 2 months after the annual town meeting, meet and elect a chair and a
620 clerk who shall serve until their successors are elected.

621 (c) Duties. The duties of the finance committee shall be to investigate all articles on
622 the warrant for the annual town meeting and special town meetings that call for appropriations of
623 money for town purposes and also all articles that in any way may affect the finances of the town
624 and shall report in writing to town meeting members its recommendations thereto.

625 (d) Compensation. The finance committee shall serve without pay but may be
626 reimbursed for all necessary expenses incurred in performance of its duties upon approval of
627 such expenditures by the select board. Such expense when incurred and approved for payment by
628 the select board shall be charged to the town meeting expense account.

629 (e) Filling of vacancies. Vacancies among the member of the finance committee shall
630 be filled in the manner heretofore specified by appointment for the unexpired term only.

631 (f) Hearings. The finance committee shall, upon written request from any petitioner
632 on any article on the warrant, grant such petitioner a hearing upon said article before final action
633 on same is determined.

634 (g) Annual report. Annually, not later than 1 week prior to the time fixed for the
635 annual town meeting, the finance committee shall prepare, publish and distribute for the benefit
636 of town meeting members and voters its recommendations as to the several articles on the
637 warrant coming under its jurisdiction and the amounts required to be appropriated to cover the
638 expenditures of the various departments of the town for the next fiscal year. It shall also report,
639 in detail, the amounts of maturing bonds or notes and the amount required for interest or other
640 outstanding indebtedness of the town. It shall also at the same time prepare and publish a
641 comparative statement, in parallel columns, of each department of funds and the expenditures
642 thereof for the previous 2 years. It shall at the same time report and publish estimates of revenues
643 from all sources, as far as possible, with the probable amount to be levied and raised by taxation
644 to defray the expenses and liabilities of the town for the next ensuing fiscal year.

645 (h) Eligibility of members. No person shall be eligible to serve on the finance
646 committee who is an employee of the town or who holds an elective or appointive position in the
647 town government, whether or not the employment or position carries any salary or
648 compensation, except for town meeting members elected under section 4-1 of this charter and
649 except appointed members of any advisory or ad hoc committees.

650 Section 5-2 Director of Finance

651 (a) Director of Finance; Divisions. There shall be a department of finance, which
652 shall be under the direction of the director of finance. The department of finance shall provide
653 personnel and equipment to the offices of the treasurer, board of assessors, town accountant,
654 town collector, which shall be the divisions of the department of finance. The director of finance

655 shall coordinate the activities of the various divisions of the department of finance and, subject to
656 applicable law, shall supervise the operation of those divisions.

657 (b) Appointment of Director; duties and qualifications. The director of finance shall
658 be appointed by the select board and may be removed at its discretion. The director of finance
659 shall be sworn to the faithful performance of the duties of the office. During the time that the
660 director of finance holds office, the director of finance shall hold no elective town office in the
661 town of Fairhaven, but the director of finance may be appointed by the select board or, with its
662 approval, by any other town officer, board, committee or commission to any other town office or
663 position consistent with the office of director of finance. The director of finance shall receive
664 such aggregate compensation, not exceeding the amount appropriated therefore, as the select
665 board may determine. The director of finance shall act by and for the select board in any matter
666 which the select board may assign to the office relating to the administration of the financial
667 affairs of the town or of any town office or department under its supervision and control or, with
668 the prior approval of the select board, may perform such other duties as may be requested by any
669 other town officer, board, committee or commission.

670 (c) In addition to those duties otherwise established by law, the director of finance
671 shall be responsible for assisting the town administrator in the preparation of the budget and the
672 long-range strategic financial plan of the town.

673 Section 5-3 Fiscal Year

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

676 Section 5-4 Capital Planning

677 (a) There shall be a capital improvement program for land purchases, construction
678 and renovation of buildings, major equipment and machinery purchases, road and drainage
679 reconstruction and the construction and reconstruction of special facilities such as local school
680 projects, sewer and water mains and water treatment and sewage disposal facilities.

681 (b) There shall be a capital planning committee appointed by the select board and
682 consisting of 7 voting members and 3 or more nonvoting ex officio members to assist and advise
683 the town administrator in preparing a 5-year capital improvement plan. The voting members
684 shall serve terms of 3 years. Initially 2 voting members shall serve for 1 year, 2 for 2 years and 3
685 for 3 years and they may be reappointed.

686 The committee shall be comprised of the following voting members:

687 (i) a member of the board of public works or an appointee thereof;

688 (ii) a person who is a member of the school committee or an appointee thereof;

689 (iii) a resident of town of Fairhaven who represents the business, financial or banking
690 community;

691 (iv) a resident of town of Fairhaven with experience in the management of construction
692 activities;

693 (v) a resident of town of Fairhaven knowledgeable about the town's needs in the areas of
694 open space and recreation facilities or activities;

695 (vi) the director of finance; and

696 (vii) the town administrator.

697 The Commission may also include such other nonvoting ex officio members as the select
698 board deems appropriate from time to time.

699 Section 5-5 Board of Assessors

700 (a) The board of assessors shall consist of 3 members appointed by the select board to
701 serve on a part-time basis for a term of 3 years.

702 (b) The members of the board of assessors shall be responsible for hearing appeals
703 and deciding abatements and shall have such other duties as prescribed by the General Laws and
704 town by-laws.

705 ARTICLE VI – SCHOOL COMMITTEE

706 (a) Term of Office. There shall be a duly elected school committee consisting of 5
707 members who shall be elected for 3-year overlapping terms.

708 (b) Reports To Voters. The school committee shall be responsible to the voters and
709 residents of the town. The school committee shall report on the state of the schools directly to
710 town meeting and shall also meet jointly with the select board, not less than once each calendar
711 year, for the purpose of sharing information.

712 (c) Powers & Authority. The school committee shall have all powers and duties
713 conferred on school committees by the General Laws, this charter or town by-laws, that are not
714 inconsistent with powers conferred by the General Laws. The powers and duties of the school
715 committee shall include:

716 (i) appointing a superintendent of the town’s schools who shall manage the school system
717 in a fashion consistent with the General Laws and the policy determinations of the school

718 committee and, upon the recommendation of the superintendent, the school committee may also
719 establish and appoint positions of assistant or associate superintendents as provided for in the
720 General Laws;

721 (ii) appointing a business administrator, an administrator of special education, school
722 physicians or registered nurses, supervisors of attendance and legal counsel;

723 (iii) establishing educational goals and policies for the schools in the town consistent with
724 the requirements of any general or special law and statewide goals and standards established by
725 the board of elementary and secondary education;

726 (iv) proposing and overseeing the administration of an annual operating budget for the
727 school department, subject to appropriation by town meeting; and

728 (v) having general charge and superintendence of all school buildings and grounds and
729 furnish all school buildings with proper fixtures, furniture and equipment.

730 ARTICLE VII - GENERAL PROVISIONS

731 Section 7-1 Charter Changes

732 (a) In General - This charter may be replaced, revised or amended in accordance with
733 the procedures made available by Article LXXXIX of the amendments to the constitution of the
734 commonwealth and any legislation enacted pursuant thereto.

735 (b) Periodic Review. Within 3 years of adoption of this charter, or earlier if a serious
736 problem has arisen, the select board shall direct the town moderator to appoint a committee to
737 review and suggest any changes needed to this charter, referred to as the initial review. The
738 committee shall consist of 7 residents of the town of Fairhaven, excluding town employees or

739 members of the select board. The committee shall report and recommend any changes at the next
740 subsequent town meeting. After the initial review, this charter shall be reviewed every 9 years in
741 the same manner described above.

742 Section 7-2 Severability

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

747 Section 7-3 Specific Provisions to Prevail

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

750 Section 7-4 Rules and Regulations

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

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

757 (a) All multiple-member bodies of the town, whether elected, appointed or otherwise
758 constituted, shall meet regularly at such times and places within the town as they may prescribe.
759 Special meetings of any multiple-member body shall be held on the call of the respective chair or

760 by 1/3 of the members thereof. Such call shall be by written notice delivered in hand or to the
761 place of business or residence of each member not less than 48 hours before the time set. Such
762 call shall contain notice of the subject to be acted upon and no other business shall be in order. A
763 copy of the notice shall be posted on the town bulletin board. Except as may otherwise be
764 authorized by law, all meetings of all multiple-member bodies shall at all times be open to the
765 public and to the press.

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

771 (c) Each multiple-member body shall determine its own rules and order of business,
772 unless otherwise provided by town bylaws or by this charter, and shall provide for keeping a
773 record of its proceedings. These rules and records shall be public, certified by the town clerk and
774 kept available in the office of the town clerk and on the town website.

775 (d) Documents provided to multiple-member bodies relating to meeting agenda items
776 shall be provided not less than 48 hours in advance of the meeting. If documents are provided
777 less than 48 hours in advance, unanimous consent from those present at the multiple-member
778 body meeting shall be required to accept those documents as part of the meeting materials.

779 Section 7-6 Definitions

780 (a) "Charter" shall mean this charter and any amendments thereto made through any
781 of the methods provided under Article LXXXIX of the amendments to the constitution of the
782 commonwealth.

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

786 (c) "Department Head" shall mean the head of a department or section, the
787 supervisor.

788 (d) "Emergency" shall mean a sudden, unexpected, unforeseen happening,
789 occurrence or condition which necessitates immediate action.

790 (e) "Facilities" shall mean any piece of town property that has been improved with a
791 fixture.

792 (f) "Fixture" shall mean an improvement that is attached to the ground.

793 (g) "general laws" when lower case, shall mean laws which apply alike to all cities
794 and towns, to all towns or to a class of municipalities of which Fairhaven is a member.

795 (h) "General Laws" when capitalized, shall mean the General Laws of the
796 commonwealth of Massachusetts as they exist at the time this charter is adopted and are intended
797 to include all applicable amendments and revisions or to the corresponding chapters and sections
798 of any recodification or rearrangement of statutes adopted subsequent to the adoption of this
799 charter.

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

802 (j) "Media" shall mean a means of communicating information to as wide a variety
803 of people as possible which may include newspapers, bulletin boards, radio and television and
804 the Internet.

805 (k) "Multiple-Member Body" shall mean any body consisting of not less than 2
806 persons, whether elected, appointed or otherwise constituted.

807 (l) "Town" shall mean the town of Fairhaven.

808 (m) "Policy" shall mean the general principles by which a government is guided in its
809 management of public affairs; provided, however, that the word "policy", as applied to law,
810 ordinance, by-law, this charter or rule of law, denotes a general purpose or tendency considered
811 as directed to the welfare or prosperity of the state or community.

812 (n) "Qualify" shall mean to take oath of office.

813 (o) "Voters" shall mean persons registered to vote in the town of Fairhaven.

814 Section 7-7 Number and Gender

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

818 Section 7-8 Removals and Suspensions

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

823 ARTICLE VIII – TRANSITIONAL PROVISIONS

824 Section 8-1 Continuation of Existing Laws

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

829 Section 8-2 Continuation of Government

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

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

838 (i) the planning board shall become a 9 member board beginning with the annual town
839 election in 2027, at which election 3 members shall be elected, each for a term of 3 years;

840 (ii) in 2028, 3 members shall be elected, each for a term of 3 years, and 1 member shall
841 be elected for a term of 1 year; provided, however, that the 3 candidates who receive the highest
842 number of votes at the 2028 annual town election shall be elected for a term of 3 years each and
843 the candidate receiving the next highest number of votes shall be elected for a term of 1 year; and

844 (iii) beginning in 2029 and each year thereafter, 3 members shall be elected for a term of
845 3 years each.

846 Section 8-3 Continuation of Personnel

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

854 SECTION 4. This act shall be submitted to the voters of the town of Fairhaven for
855 acceptance at the next annual town election occurring not less than 35 days after the effective
856 date of this section in the form of the following question: “Shall An Act Establishing the Charter
857 of the Town of Fairhaven be accepted?” Below the question shall appear a summary as prepared
858 by the town counsel. If a majority of votes are cast in the affirmative, sections 1 to 3, inclusive,
859 shall take effect, but not otherwise.

860 The provisions of the charter appearing in section 3 shall become effective upon the
861 approval of the voters of the town voting hereon, except as in hereinafter provided:

862 (a) All persons serving in an elected town office which, under the provision of the
863 charter is to become an appointive office, shall continue to serve and shall continue to perform
864 the duties of the office until the expiration of the term for which they were elected. When such
865 term has expired, the appointing authority shall appoint a suitable person to fill the vacancy,
866 given due consideration to the incumbent whose term has expired.

867 (b) Not more than 45 days following the election at which this charter is adopted or
868 amended, the select board shall appoint a special committee of at least 3 members to review the
869 existing by-laws of the town, in order to bring them into conformity with the provisions of the
870 charter. Said committee shall file a report, with recommendations, at the town meeting.

871 SECTION 5. Section 4 shall take effect upon passage of this act.