

**Massachusetts House of Representatives
Bill Summary**

Bill #: H.4232

Title: An Act relative to the charter of the town of Fairhaven

Sponsor: Rep. Mark D. Sylvia

Committee: Joint Committee on Municipalities and Regional Government

Hearing Date: July 22, 2025

Current Law:

The Town of Fairhaven is currently governed by the Massachusetts General Laws and various special acts. H.4232 establishes a town charter for Fairhaven.

Chapter 381 of the Special Acts of 2014 established the position of Town Administrator for Fairhaven.

Section 1 of Chapter 41 of the Massachusetts General Laws states that towns shall elect a school committee of at least three members. The Fairhaven School Committee policies and regulations states that it shall consist of six members, adopted 5/24/2006.

Section 65-1 of the Town of Fairhaven bylaws states that the Planning Board shall consist of eight members.

Exec. Summary:

H.4232 establishes Fairhaven's first ever town charter. It largely consolidates the various bylaws and special acts that Fairhaven currently operates under, while making grammatical and stylistic alterations to fit the widely accepted charter format. Substantive changes include specifying and balancing the powers between the Select Board and Town Administrator and altering the size of the School Committee and Planning Board to odd numbers.

Summary:

Section 2-1 of H.4232 deals with the Select Board.

Part (b) of Section 2-1 delineates the responsibilities of the Select Board. H.4232 adds language clarifying the affirmation process of the appointment, discipline, and removal of the Town Administrator, all of which require four members voting in the affirmative barring any recusal.

Part (b) also provides a 180-day extension mechanism in the case that there is a vacancy in the Town Administrator's office and a qualified replacement is not hired within an initial 180 days.

Section 2-2 of H.4232 establishes and delineates the responsibilities of the Town Administrator.

Part (i) of Section 2-2 specifies how the Select Board may respond in the event of a Town Administrator's appointment, suspension, or removal of a department head. Under the added language, the Select Board may affirm, deny, or not take action within fifteen days of the action.

Part (k) requires the Town Administrator to detail the financial impacts of any reorganizations of departmental structures.

Part (l) states that School Department collective bargaining agreements shall be negotiated by the School Committee, with the Town Administrator participating and voting as a member. All agreements must be funded by a vote of Town Meeting.

Part (n) adds language requiring the Town Administrator to submit the proposed budget annually, no later than December 31st.

Part (q) instructs the Town Administrator to include returns on investment for capital expenditures, as applicable, in the annual 5-year Capital Improvements Program.

Part (dd) empowers the Town Administrator to sell or dispose of town property or assets, in coordination with department heads so that no items are relinquished that could be used by another department or committee.

Part (ee) prohibits the Town Administrator from binding the town to any agreement or contract if its total value exceeds \$50,000 without prior approval of the Select Board.

Section 3-1 concerned elected officers. It states that the School Committee shall consist of five members, and the Planning Board shall consist of nine members.

Section 5-2 enumerates the position of the Director of Finance. This bill eliminates language that mandates certain educational and work experience in the hiring of the Director of Finance.

Section 7-1 details how this charter may be changed in the future, including an initial review three years after its adoption and another review every nine years thereafter.

Notes:

Approved by majority vote of Article 16 of Annual Town Meeting dated May 3, 2025.