

Executive Summary and FAQs of the proposed Town of Fairhaven Charter

Charter Committee

UPDATED: 25 April 2025

Overview:

On June 12th, 2020, the Fairhaven Town Meeting convened to vote on a total of 60 articles, one of these items including action on Article 48, citizens petition calling for the creation of a nine-member Charter Committee, which was overwhelmingly approved. This group's charge is reviewing all aspects of local government organization and structure, including, without limitation, regional relationships, and the operation of all Town departments, boards, committees and commissions, elected and appointed, with the goal of presenting a proposed charter at Town Meeting, which special legislation would be forwarded to the General Court for review and approval, in accordance with the Home Rule Amendment, Section 8, and further to raise and appropriate or transfer from available funds a sum of \$10,000.00 to pay for the expenses of such Committee, or take any other action relative thereto.

The committee has been working to finalize a draft charter with the assistance of Ms. Heather White from Petrini & Associates. The committee worked with the Town Administrator and Town Moderator to allocate funds from the \$10,000 voted upon by Town Meeting towards Town Counsel expenses to ensure the charter meets legal standards and does not conflict with Massachusetts General Law.

The charter's content and structure are based on charters found in similar towns across the Commonwealth of Massachusetts. The committee researched towns with similar demographics and forms of government.

Overall, the committee is presenting a charter that does not make substantive alterations to the Town's governance structure, but which condenses the Town's governance structures and balance of powers into a singular document, the Town of Fairhaven Charter. For example, the Town Counsel has assisted with incorporating the Town's existing special acts into the Charter.

We urge residents and Town Meeting members to read the following FAQs to get a better understanding of what is contained in the charter.

Frequently Asked Questions:

What is a Charter?

A **town charter** in Massachusetts is essentially the town's "constitution." It's a formal legal document that outlines the structure, powers, and functions of a town's government. Here's a breakdown of what that means:

Does the Town Charter replace bylaws?

In some cases, yes. But in many cases, the Charter Committee has left a lot of the Town's bylaws in place. As a rule of thumb, consider the Charter as being like a constitution. The charter covers much of the Town's governance structure, but more detailed and intricate laws are left to bylaws to allow greater long-term flexibility.

What are the greatest changes proposed in the Charter?

Executive Branch

The most substantial changes are included in the Executive Branch section of the charter covering the Select Board and the Town Administrator. Based on feedback from the public and Select Board, there appeared to be a desire to re-balance or clarify some of the duties of the Select Board and Town Administrator.

The Charter Committee has presented modified language that it believes helps clarify the roles of both the Select Board and Town Administrator and ultimately seeks to ensure positive collaboration between the two.

Planning Board composition

After extensive public feedback during our public hearings, the Charter Committee has proposed language to change the Planning Board to 9 members, instead of 8, to prevent tied votes. We have decided to maintain the 3-year terms and included a transitional election process, which we eventually see 3 members elected annually for 3 year terms.

School Committee composition

The Charter Committee has proposed expanding the School Committee to 7 members instead of 6 members to have an odd number for voting purposes.

Can the Charter be changed in the future?

Yes. The proposed Working Draft includes a provision to review the charter three (3) years after its intended adoption, with subsequent reviews every nine (9) years. The Town is also able to make amendments to the Charter through the legislative process when it sees fit.

More information, including the Working Draft and feedback form, are available on our committee's website: <https://www.fairhaven-ma.gov/charter-committee>