

505 for reelection by giving written notice thereof to the town clerk not less than 49 days before  
506 election. No nomination papers shall be valid with respect to any candidate whose written  
507 acceptance is not 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

Commented [CA46]: Right?

Commented [HW47R46]: Yes

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

**Commented [CA48]:** Right? I took this from subsection (b) of the recall election section. Without this, how will you know what number to base the 20% off of?

**Commented [HW49R48]:** Change accepted.

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 upon the expiration of the said period.

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

**Commented [CB50]:** Please see comments from Elections Divisions below. This section will need to be modified once we get clarification on whether (g) pertain to RTM or ballot question at a special town election.

From Elections Division: Subsection (g) provides for a referendum on certain expenditure votes by the RTM. While it references a town meeting vote, I think it is meant to be a ballot question at a special town election since it references the polls being open for specified times. The timeframes within the act are inconsistent with state law and would not allow for vote by mail. The provisions in the act require the select board to have the election within 24 days of the filing of a petition, but under the provisions of [General Laws chapter 54, section 42C](#), the minimum timeframe for a special election with a ballot question is 35 days. The other concern is the limited polling hours in the act—2pm -8pm. Under section 64, town election polling hours must start by noon and remain open for at least 4 hours. This section also provides that special elections for ballot questions can be the same as the hours for voting for town officers.

**Commented [HW51R50]:** Will discuss with the Town.

**Commented [CA52]:** What is this trying to achieve? If this charter is adopted, then RTM will be the town government and their actions will be legitimate under the charter. Are we missing something?

**Commented [HW53R52]:** This language is set forth in the existing special act and there is a preference for keeping the existing language.

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.

Commented [CB54]: Correct?

Commented [HW55R54]: Changes accepted

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

**Commented [CB56]:** How many precincts does the town currently have? Based on that number and this section (a) does it come out to 13 total members?

**Commented [CA57R56]:** Under this charter there could be up to 16 members appointed from 8 precincts, plus 1 at large is 17 total members. Where does 13 come from?

**Commented [HW58R56]:** This language is consistent with the existing composition as established by bylaw. There is a preference to keep this as is.

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 members of the finance committee,  
630 which may occur by death, resignation or removal from the town, shall be filled in the manner  
631 heretofore specified by appointment for the unexpired term only.

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

**Commented [CA59]:** Town meeting precinct chair?

**Commented [CA60R59]:** Also, the first sentence calls for 2 members from each precinct but this only calls for 1. Where does the other member come from?

**Commented [HW61R59]:** Yes, town meeting precinct chair. The members serve 2 year staggered terms, so each year the chair appoints 1 person.

**Commented [CA62]:** So committee members cannot be removed from the position?

**Commented [HW63R62]:** Will discuss with town.

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

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

651 Section 5-2 Director of Finance

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

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

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

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

674 Section 5-3 Fiscal Year

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

677 Section 5-4 Capital Planning

**Commented [CB64]:** Correct? Presumably, the Director of Finance could hold elective office in another town, right?

**Commented [HW65R64]:** Correct

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

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

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

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

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

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

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

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

696 (vi) the director of finance; and

697 (vii) the town administrator.

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

700 Section 5-5 Board of Assessors

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

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

706 ARTICLE VI – SCHOOL COMMITTEE

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

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

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

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

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

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

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

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

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

731 ARTICLE VII - GENERAL PROVISIONS

732 Section 7-1 Charter Changes

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

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

Commented [CB66]: What constitutes a "serious problem"?

Commented [CA67R66]: We are saying "within 3 years" so earlier is always an option regardless of whether a problem arises. Maybe just remove this language?

Commented [HW68R66]: Will discuss with the Town.

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

743 Section 7-2 Severability

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

748 Section 7-3 Specific Provisions to Prevail

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

751 Section 7-4 Rules and Regulations

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

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

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

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

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

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

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

780 Section 7-6 Definitions

**Commented [BC69]:** Should it also be posted on the town website?

**Commented [HW70R69]:** Notice is posted in accordance with the Open Meeting Law, Town Bylaw, and this provision.

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

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

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

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

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

793 (f) "Fixturc" shall mean an improvement that is attached to the ground.

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

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

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

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

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

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

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

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

814 (o) "Voters" shall mean persons registered to vote in the town of 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 and words importing the plural number may include the singular. All language in the  
818 charter aspires to be gender neutral and will extend to and be applied to all people.

#### 819 Section 7-8 Removals and Suspensions

**Commented [CA71]:** Do you want to define "local media" which is used throughout the charter?

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 appointing  
823 authority.

824 ARTICLE VIII – TRANSITIONAL PROVISIONS

825 Section 8-1 Continuation of Existing Laws

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

830 Section 8-2 Continuation of Government

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

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

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

Commented [CA72]: Right?

Commented [HW73R72]: Yes, as long as the Charter is enacted and accepted by the voters at a 2026 election.

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

845 (iii) beginning in 2029 and each year thereafter, 3 members shall be elected for a term of  
846 3 years each.

847 Section 8-3 Continuation of Personnel

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

855 Section 8-4 Time of Taking Effect

856 This act shall be submitted to the voters of the town for acceptance at the next town  
857 annual election occurring not less than 35 days after the effective date of this act in the form of  
858 the following question: "Shall An Act Relative to the Charter of the Town of Fairhaven be  
859 accepted?" Below the question shall appear a summary as prepared by the town counsel. If a  
860 majority of votes are cast in the affirmative, the provisions of this charter shall become  
861 effective upon the approval of the voters of the town voting hereon, except as in hereinafter  
862 provided:

**Commented [AC74]:** Right?

**Commented [HW75R74]:** Agreed, as elected offices are addressed below.

**Commented [CB76]:** This section will need to be modified based on the following comment by the Elections Division: The problem is that there isn't any language in the act to present the question to the voters for approval. Usually such acts will include a section that directs the town clerk to print the question on the ballot at a municipal election (and can allow for a special election to be called for such purpose) and requires inclusion of a summary prepared by the town counsel. Only if approved by some threshold of voters do the provisions become effective. I didn't see any language relative to this.

Elections Division offered the following options: This act shall be submitted to the voters of the town of Fairhaven for acceptance at the next town annual election occurring not less than 35 days after the effective date of this act in the form of the following question: "Shall An Act Relative to the Charter of the Town of Fairhaven be accepted?" Below the question shall appear a summary as prepared by the town counsel. If a majority of votes are cast in the affirmative, sections X to X, inclusive, shall take effect, but not otherwise.

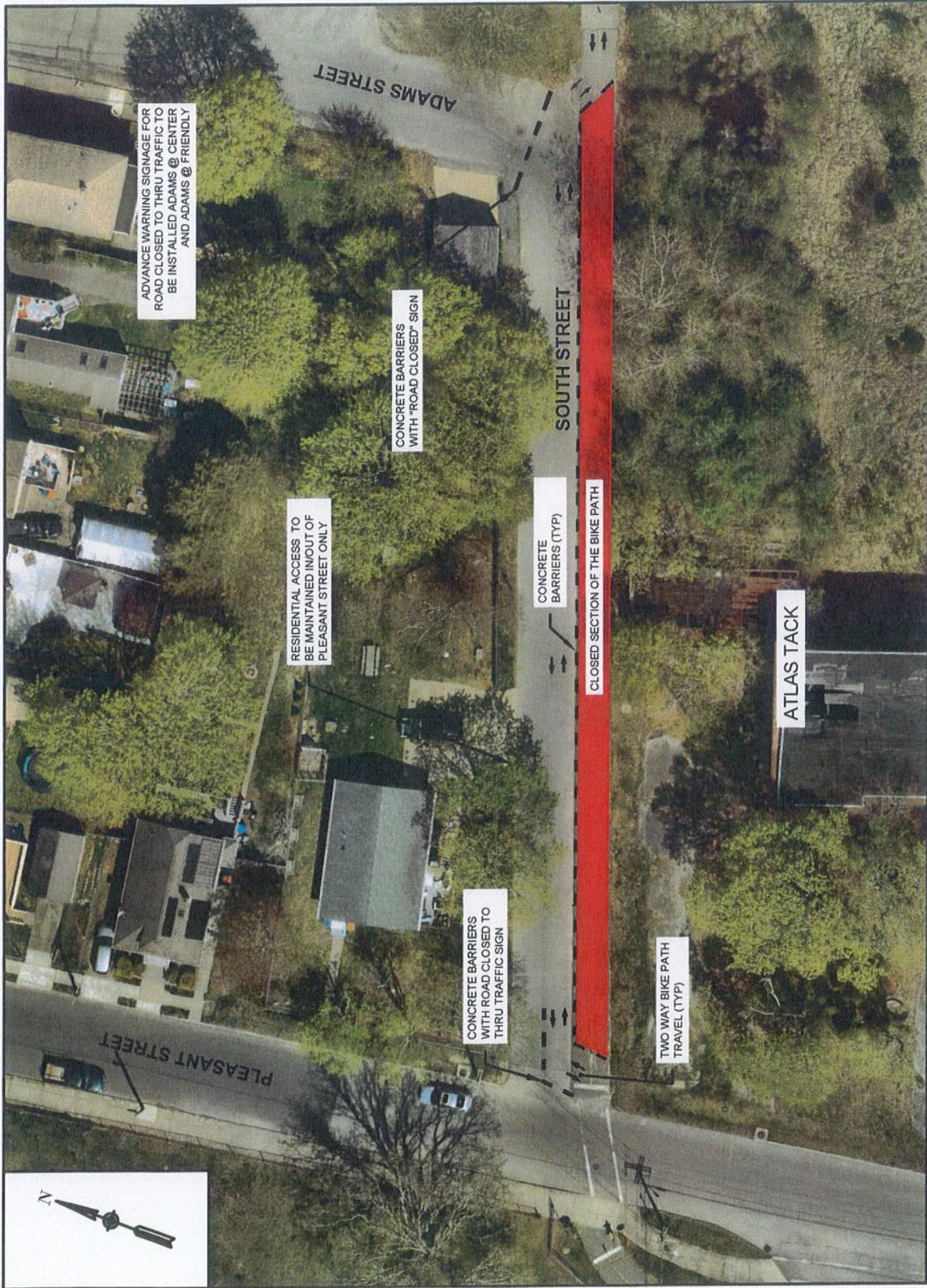
**Commented [AC77R76]:** If the town wants to add in a section about approving this at an election, it should be noted that this charter will not take effect until after such approval. Therefore, the provisions of the charter, including any new elected offices, etc., will not be in effect for that election

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

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

**Commented [CB78]:** How long will this special committee have to do it work? Is there a time period by which they will need to file their report with Town Meeting?

**Commented [HW79R78]:** Will discuss with town.



PREPARED BY:  
 DEPARTMENT OF PUBLIC WORKS  
 HIGHWAY DEPARTMENT  
 5 ARSENE STREET  
 FAIRHAVEN, MA 02719

PHOENIX RAIL TRAIL CLOSURE AT ATLAS TACK

SCALE 1" = 40'





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**Monday, March 9, 2026**

**CORRESPONDENCE**

1. Email: Michelle Costen Weekly-Town of Fairhaven Podcast
2. National Day of Prayer

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## Weekly -Town of Fairhaven Podcast

1 message

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**Michelle Costen** <michcosten@gmail.com>

Tue, Mar 3, 2026 at 11:09 AM

To: Keith Hickey <khickey@fairhaven-ma.gov>, selectboard@fairhaven-ma.gov, buildingcommissioner@fairhaven-ma.gov, "Patrick J. Carr" <pj carr@a1crane.com>, Jessica Fidalgo <jessica.wilder13@yahoo.com>, Charlie Murphy <cmurphy@molifeinc.com>, ksilvia2@yahoo.com, stevebouley <stevebouley@comcast.net>

Hi Kieth,

We need a weekly Podcast where we find solutions to our most immanent problems. One of which is our affordability housing crisis.

You do a weekly town report. Can you add to that, a half hour segment -"Town of Fairhaven Podcast" ?

-And be an interviewer, giving everyone on the Boards and committees, special guest, and residents, giving an opportunity each week to bring solutions to the table. Rather than complaints.

No emotional political baggage type discussions, we have enough of those kind of podcast out there, and it's getting us nowhere,- and should not be allowed to be part of the a solutions podcast. It could be a podcast to really get us focused on bringing solutions to our most dire problems. The problems that are really hurting people, displacing them, and causing great struggles.

A podcast that Just talks and focuses on

Solutions being discussed to help solve our critical issues.

Is this something you could do on a weekly basis? a podcast that is strictly focused on looking for creative solutions -

I was speaking to someone from the planning board who thought this would be a very good idea also.

What do you think? Can something like having a Town of Fairhaven podcast, like this, go on our agenda to be voted on or can you approve it?

Michelle Costen

Thursday, May 7, 2026



SELECT BOARD  
2026MAR4 13:54:13:54

March 4, 2026

Town of Fairhaven  
Select Board/Town Administrator  
40 Center Street  
Fairhaven, MA 02719

Dear Select Board/Town Administrator,

The first Thursday in May has been sanctioned by the Government of the United States as "National Day of Prayer." Our theme for 2026 is "Glorify God Among the Nations, Seeking Him in All Generations," based on 1 Chronicles 16:24. Observed on May 7, 2026, this theme commemorates 250 years of prayer in America and 75 years of the annual National Day of Prayer.

On behalf of this recognized effort, we are informing you that people will gather in front of the Town Hall at noon on Thursday, May 7, 2026 with the sole purpose of praying for our Nation and Government.

Clergy and/or representative members of local churches and citizens will participate in the structured part of the session. We may include a song or two, with a tasteful music accompaniment. To help facilitate the music, as is tradition, we're asking to have access to a power source in the Town Hall. Of course, the Select Board, Town officials and any other interested citizens are welcome to attend in a prayerful spirit also.

We're excited that this is our 27th year of participation in Fairhaven on this "National Day of Prayer." In anticipation, I appreciate your response that will allow us to move forward. If you have any concerns or suggestions in facilitation, please call me at (508) 264-8211 or visit the website at [www.nationaldayofprayer.org](http://www.nationaldayofprayer.org).

Respectfully,

A handwritten signature in black ink that reads "Steven J. Bouley". The signature is written in a cursive, flowing style.

Steven J. Bouley  
NDP Participant  
52 Cottage Street  
Fairhaven, MA 02719



**Monday, March 9, 2026**

**EXECUTIVE SESSION**

G.L. c. 30A, s. 21(a)(1) to discuss results of complaints regarding the constructive approval of the Timothy/Hiller Subdivision under the Former Land Use & Planning Director