



FAIRHAVEN SELECT BOARD AGENDA

March 9, 2026 6:00 p.m.

Town Hall – 40 Center Street – Fairhaven

The meeting can also be viewed on Channel 97 or on FairhavenTV.com

A. EXECUTIVE SESSION

1. Pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (Atlas Tack)

B. APPOINTMENTS / COMMUNITY ITEMS

1. Update on Town Charter: Review Comments on Charter by Massachusetts Legislature with Town Counsel
2. Winter Storm Hernando: After-Storm Action Review
3. Consider Proposed Building Department Fee Changes
4. Appointment Request: Capital Planning Committee, Open Space Representative: Don Collasius
5. Event Request: 20th Annual Watershed Ride: Sunday, October 4, 2026

C. PUBLIC COMMENT

D. ACTION / DISCUSSION

1. Discussion on Closing a Section of the Bike Path Abutting the Atlas Tack Property
2. Ratify Collective Bargaining Agreement: Police
3. Pledge of Collateral, All Alcohol Beverage License: Bitter Wallace, Inc. d/b/a The Bitter End to Bay Coast Bank
4. Consider Amending Town Hall Business Hours: Monday 7:30am-6:00pm, Tuesday through Thursday 7:30am-4:30pm and Friday 7:30am-11:30am
5. Discussion on Select Board Waiving Their Compensation for FY2027

E. TOWN ADMINISTRATOR

F. BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

G. MINUTES

1. Accept the Open Session minutes of February 22 and 23, 2026

H. CORRESPONDENCE

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

I. NEWS AND ANNOUNCEMENTS

1. The next regularly scheduled Select Board meeting will be on *Monday, March 23, 2026* at 6:30pm

J. EXECUTIVE SESSION

1. Pursuant to 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.

K. ADJOURN

Log on or call 1-929-205-6099, Meeting ID: 894 8599 3911, Passcode: 330130

Subject matter listed in the agenda consists of items reasonably anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (i.e. urgent business not available at the time of posting) may also be brought up for discussion in accordance with applicable law.



FAIRHAVEN SELECT BOARD AGENDA ADDENDUM

March 9, 2026 6:00 p.m.

Town Hall – 40 Center Street – Fairhaven

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ANNOUNCEMENTS:

On March 28th, 2025, the bill to extend Open Meeting Law regulations governing remote participation has passed MA legislation and been signed by the Governor. This bill will allow remote and hybrid meeting options for public bodies through June 30, 2027.

Pursuant to an amendment to Town By-Law Chapter 50-13, all government meetings are available through web/video conference and are recorded.

This meeting is being recorded by the Government Access Channel. It will be replayed on Channel 97 and posted on FairhavenTV.com. Anyone intending to make an audio or video recording of this meeting should notify the Chair at this time.

Due to recent security breaches, Fairhaven TV has implemented a new protocol: Zoom camera video for all participants is disabled. If participants would like to speak or be recognized, click “raise hand” under “reactions”, and change your name to a full name to be unmuted. Thank you for your cooperation in protecting the integrity of Fairhaven government meetings.

- For anyone interested in volunteering, there are several vacancies on various boards committees and commissions. To see a complete list of the openings, please visit our website at www.fairhaven-ma.gov

A. EXECUTIVE SESSION

1. Pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (Atlas Tack)

B. APPOINTMENTS / COMMUNITY ITEMS

1. **Update on Town Charter: Review Comments on Charter by Massachusetts Legislature with Town Counsel** - The bill seeking enactment of the Charter is making its way through the legislature, and the Senate has raised some questions and proposed edits to the language. The draft includes the Senate’s feedback and Town Counsel’s suggested responses, which were discussed with the Charter Committee on February 20, 2026. Town Counsel would like to make sure the Select Board is aware of the changes proposed by the legislature and receive input on the proposed changes before sending a response to Senate Counsel.

Suggested Motion:

“No motion needed.”

2. **Winter Storm Hernando: After-Storm Action Review** – The Town Administrator and department heads serving on the Town’s Community Emergency Response Plan Incident Command Team (CEMP) will provide a review of operations and response efforts during Winter Storm Hernando. The discussion will include an overview of actions taken, challenges encountered, interdepartmental coordination, and recommendations to strengthen preparedness and response for future storm events.

Log on or call 1-929-205-6099, Meeting ID: 894 8599 3911, Passcode: 330130

Subject matter listed in the agenda consists of items reasonably anticipated (by the Chair) to be discussed. Not all items listed may be discussed and other items not listed (i.e. urgent business not available at the time of posting) may also be brought up for discussion in accordance with applicable law.

Suggested Motion:

“No motion needed.”

3. **Consider Proposed Building Department Fee Changes** - Director of Inspectional Services/Building Commissioner Rick Forand completed a review of surrounding towns to assess potential changes to the Building Department Fee Schedule. The proposed fee changes better align with neighboring communities. The Board last adjusted the fees in 2023

Suggested Motion:

“Move to (adopt/not adopt) the proposed Building Department Fees (as amended/as presented).”

Moved by, seconded by. Any discussion on the motion. Vote.

4. **Appointment Request: Capital Planning Committee, Open Space Representative: Don Collasius** – Capital Planning has a vacancy for an Open Space Representative for a three-year term.

Suggested Motion:

“Move to (appoint/not appoint) Don Collasius as Open Space Representative on the Capital Planning Committee for a term through May, 2029.”

Moved by, seconded by. Any discussion on the motion. Vote.

5. **Event Request: 20th Annual Watershed Ride: Sunday, October 4, 2026** – Buzzards Bay Coalition (BBC) has submitted an event request for the use of public roads in Fairhaven for the BBC’s 20th Annual Watershed Ride on Sunday, October 4, 2026. The packet contains the request and route which has also been forwarded to Police, Fire, Building and Public Works for their review and approval.

Suggested Motion:

“Move to (approve/not approve) the use of public roads in Fairhaven and placement of signs (as presented/as amended) for the Buzzards Bay Coalition’s 20th Annual Watershed Ride on Sunday, October 4, 2026 contingent upon the approval of Police, Fire, Building and Public Works.”

Moved by, seconded by. Any discussion on the motion. Vote.

C. PUBLIC COMMENT

D. ACTION / DISCUSSION

1. **Discussion on Closing a Section of the Bike Path Abutting the Atlas Tack Property** - Recently, inspections of the remaining Atlas Tack structure were completed. The results indicate that the current condition of the remaining building is poor and there is a chance the building could collapse. The location of the existing fence could cause some of the existing building to fall outside of the fenced area on the South and Pleasant Streets. Any debris falling toward Pleasant Street would remain on Atlas Tack’s property. However, if debris was to all toward South Street, debris could land on or come to rest on the portion of the bike path closest to the building.

Based on the risk of debris falling on a section of the bike path, I am requesting the Select Board consider closing a short section of the bike path and diverting users onto South Street. The Town Administrator, Police Chief Public Works Director, building Inspector and Atlas Tack Working Group Chair Rick Trapilo met on site and agree that diverting bike path users onto South Street would be appropriate. For safety purposes, the section of South Street abutting Atlas Tack would be closed to through traffic. There is only one house along the roadway who will be allowed to continue to use

South Street for access to their property.

Included in your Board materials is a map of the area illustrating the location of the bike path detour. Barriers and signage will be placed at both ends of South Street to restrict vehicular traffic.

Suggested Motion:

“Move to (approve/not approve) the temporary closure of a portion of the bike path on a portion of South Street that abuts the Atlas Tack property. Individuals using the bike path will be diverted onto South Street at the beginning of the bike path closure and will reenter the bike path at the end of the portion closed. In addition, while a section of the bike path is closed, South Street will be closed to all vehicular traffic”

Moved by, seconded by. Any discussion on the motion. Vote

2. **Ratify Collective Bargaining Agreement: Police** – The New England Police Benevolent Association (NEPBA), Local 64 has submitted a signed Successor Agreement for the Police Unit effective July 1, 2025 through June 30, 2028 asking the Board to consider ratifying the Agreement.

Suggested Motion:

“Move to ratify the Successor Agreement between the Town of Fairhaven and the New England Police Benevolent Association (NEPBA), Local 64.”

Moved by, seconded by. Any discussion on the motion. Vote

3. **Pledge of Collateral, All Alcohol Beverage License: Bitter Wallace, Inc. d/b/a The Bitter End to Bay Coast Bank** – Bitter Wallace, Inc. d/b/a The Bitter End has applied for a Pledge of Collateral for their All Alcohol License to Bay Coast Bank.

Suggested Motion:

“Move to (approve/not approve) the pledge of collateral for their All Alcohol License from Bitter Wallace, Inc. d/b/a The Bitter End to Bay Coast Bank (as presented/as amended)”

Moved by, seconded by. Any discussion on the motion. Vote

4. **Consider Amending Town Hall Business Hours: Monday 7:30am-6:00pm, Tuesday through Thursday 7:30am-4:30pm and Friday 7:30am-11:30am** – A side letter of agreement between the Town and AFSCME, the collective bargaining unit for clerical staff, has been signed to modify their members working hours, the working hours would change allowing the Town Offices to open at 7:30am Monday through Friday and remain open until 6:00pm on Monday and close at 11:30am on Friday. The change would increase the number of hours Town Hall is open from 40 hours per week to 41.5 and also includes a 6:00pm

Suggested Motion:

“Move to (approve/not approve) (as presented/as amended)”

Moved by, seconded by. Any discussion on the motion. Vote

5. **Discussion on Select Board Waiving Their Compensation for FY2027** – Select Board Member Silvia will address the Board regarding consideration of the Board waiving their stipends for FY2027.

Suggested Motion:

“No motion needed.”

E. TOWN ADMINISTRATOR

F. BOARD MEMBER ITEMS / COMMITTEE LIAISON REPORTS

G. MINUTES

1. Accept the Open Session minutes of February 22 and 23, 2026

Suggested Motion:

“Move to (accept/not accept) the open session minutes of February 22 and February 23, 2026 (as presented/as amended)”

Moved by, seconded by. Any discussion on the motion. Vote.

H. CORRESPONDENCE

1. Email: Michelle Costen: Weekly-Town of Fairhaven Podcast

Suggested Motion:

“Move to (enter/not enter) the Select Board correspondence as listed into the record”

Moved by, seconded by. Any discussion on the motion. Vote.

I. NEWS AND ANNOUNCEMENTS

1. The next regularly scheduled Select Board meeting will be on *Monday, March 23, 2026* at 6:30pm

J. EXECUTIVE SESSION

1. Pursuant to 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.

K. ADJOURN



Monday, March 9, 2026

EXECUTIVE SESSION

G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (Atlas Tack)



Monday, March 9, 2026

APPOINTMENTS AND COMMUNITY ITEMS

1. Update on Town Charter: Review Comments on Charter by Massachusetts Legislature with Town Counsel
2. Winter Storm Hernando: After-Storm Action Review
3. Consider Proposed Building Department Fee Changes
4. Appointment Request: Capital Planning Committee, Open Space Representative: Don Collasius (*there is one open seat for an Open Space Representative, the term is 3-years*)
5. Event Request: 20th Annual Watershed Ride: Sunday, October 4, 2026

HOUSE DOCKET, NO. 4825 FILED ON: 6/13/2025

HOUSE No. 4232

The Commonwealth of Massachusetts

PRESENTED BY:

Mark D. Sylvia and Mark C. Montigny

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

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

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

PETITION OF:

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

HOUSE No. 4232

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

The Commonwealth of Massachusetts

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

An Act establishing the charter of the town of Fairhaven.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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

2 **ARTICLE I – INCORPORATION & POWERS OF THE TOWN**

3 **Section 1-1 Authorities and Understandings**

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

7 **Section 1-2 Incorporation**

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

11 Section 1-3 Short Title

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

14 Section 1-4 Division of Powers

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

18 Section 1-5 Powers of the Town

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

25 Section 1-6 Interpretation of Powers

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

31 Section 1-7 Intergovernmental Relations

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

36 ARTICLE II – EXECUTIVE BRANCH

37 Section 2-1 The Select Board

38 (a) Composition and Term of Office

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

45 (b) General Powers

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

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

55 The select board shall:

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

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

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

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

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

69 (vi) issue all town meeting warrants;

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

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

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

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

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

Commented [CB1]: Does the town really want to restrict itself in this way? Presumably, disciplinary action by the town against the town administrator will not be taken by the select board unless there is reason to do so. The concern with the use of "just cause" is that it adds a heightened level of scrutiny. Further, if such language is going to be included in the Charter, including in (x) below, the town should define what is "just cause" in the Charter or else it exposes itself to potential litigation over whether there was just cause for discipline.

Commented [HW2R1]: The Charter Committee had a preference for this language and understands the heightened standard.

Commented [CB3]: Consider replacing the first sentence of (ix) with following: "take disciplinary action against the town administrator, provided that the town administrator is given (a) written notice setting forth the reason(s) for the disciplinary action; and (b) an opportunity to appeal."

Commented [HW4R3]: See response above.

Commented [CB5]: See above re: "just cause"

Commented [HW6R5]: See response above.

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

101 **Section 2-2 Town Administrator**

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

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

106 (i) consult and advise the select board regarding town policies and shall implement town
107 policies;

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

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

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

Commented [CB7]: Is this section consistent with [Chapter 381 of the Acts of 2014](#), which established the position of Town Administrator in the Town of Fairhaven? To the extent that this Section 2-2 differs from the special act, this charter would govern. Should we repeal the special act so that there is no confusion in the future?

Commented [HW8R7]: This language is substantially similar to Chapter 381 of the Acts of 2014 with a few revisions and additions. This is intended to replace the existing special act. Agreed that a repeal would help avoid confusion.

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

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

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

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

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

Commented [CA9]: What is the "personnel board"? It does not show up anywhere else

Commented [HW10R9]: G.L. c. 41, s. 108C and Town Bylaws. This phrase is intended to affirmatively assign this role to the TA in addition to day-to-day management responsibilities.

Commented [BC11]: Is this necessary given prior sentences?

Commented [HW12R11]: Please see reply to comment above

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

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

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

Commented [CB13]: Correct?

Commented [HW14R13]: Yes

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

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

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

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

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

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

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

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

Commented [CB15]: To whom should this report be made?
Select board? Finance Committee? Town Meeting?

Commented [HW16R15]: All of the above. Prefer to leave
open-ended to be consistent with existing special act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

252 ARTICLE III – ELECTED OFFICERS

253 Section 3-1 Elected Offices

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

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

265 Town Clerk 1 3

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

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

273 Section 3-2 Planning Board

274 There shall be a planning board consisting of 9 members elected for 3-year overlapping
275 terms with all the powers and duties provided to planning boards under the General Laws.

276 Section 3-3 Housing Authority

277 There shall be a housing authority consisting of 5 members, 1 of whom shall be
278 appointed by the commonwealth, 1 of whom shall be a tenant member appointed by the select
279 board and 3 of whom shall be elected at town meeting. All members shall serve for 5 year
280 overlapping terms.

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

283 Section 3-4 Board of Health

Commented [CB17]: Edits are based on comments from the Elections Division that the charter did not met the tenant member requirement required under state law.

Commented [AC18R17]: This is from MGL c. 121B, sec. 5

Commented [HW19R17]: I expect this change to be acceptable and will discuss it with the Town.

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

292 Section 3-5 Town Clerk

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

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

298 Section 3-6 Board of Public Works

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

Commented [CA20]: Is our edit correct? What situation is this trying to cover?

Commented [HW21R20]: Yes. The language was taken from a previous version of the Town's website. Changes accepted.

Commented [CB22]: Is this section consistent with [Chapter 389 of the Acts of 2014](#), which established the Board of Public Works in the Town of Fairhaven? To the extent that this Section 3-6 differs from the special act, this charter would govern. Should we repeal the special act so that there is no confusion in the future?

Commented [HW23R22]: BPW was established pursuant to Chapter 722 of the Acts of 1968, which was amended in 1975, 1991, and 1992. This section is substantially consistent with the 1968 act as amended. Chapter 389 of the Acts of 2014 was not approved by the voters following enactment by the legislature. Agreed that repeal of prior acts would eliminate confusion.

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

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

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

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

Commented [HW24]: I would prefer to keep "will" because that term is used in the existing special act and indicates an "at will" employment relationship which gives the BPW broad discretion.

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

Commented [CB25]: Would you like this to be consistent with the Superintendent of Highways and add "or other appointed office"?

Commented [HW26R25]: I have accepted the redlines but do not think it is necessary to add "or other appointed office" because that phrase is not included in the existing special act.

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

Commented [CB27]: Is this necessary? How will the Board of Public Works determine if the Superintendent has been "efficient" in his exercise and performance of his duties?

Commented [HW28R27]: Prefer to keep this language to be consistent with existing special act.

Commented [HW29]: Same comment as above.

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

353 Section 3-7 Commission of Trust Funds

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

359 Section 3-8 Recall of Elected Officials

360 (a) Any person who holds an elected office in the town of Fairhaven, with more than
361 6 months remaining in the term of such office on the date of filing of the affidavit referred to in
362 subsection (b), may be recalled from office by the registered voters in the town of Fairhaven, in
363 the manner provided herein.

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

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

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

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

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

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

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

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

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

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

414 ARTICLE IV – LEGISLATIVE BRANCH

Commented [CB30]: What is this meant to capture?

Commented [AC31R30]: Is this meant for if there is a vacancy after the recall election has been ordered? In which case they would still count ballots to fill the vacancy. If that's the case, we should just say so

Commented [HW32R30]: Yes, that is the intention. It makes sense to me as written, but I am open to suggested edits.

415 Section 4-1 Representative Town Meeting

416 (a) The territory of the town shall be divided into not less than 4 nor more than 8
417 voting precincts, each of which shall be plainly designated and shall contain not less than 500
418 registered voters. The precincts shall be so established as to consist of compact and contiguous
419 territory, to be bounded as far as possible by the center line of known streets and ways or by
420 other well-defined limits. Their boundaries shall be reviewed and, if need be, wholly or partially
421 revised by the districting board ~~in November, once in five (5) years, or in November of any year~~
422 ~~when so directed by a vote of a representative Town meeting not later than October thirtieth of~~
423 ~~that year~~ 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

Commented [BC33]: From Elections Division: Section 4-1 relative to the designation and revision of precincts and creating a "Districting Board," is inconsistent with state law. Under 4-1(a), it provides for the Town to have between 4 and 8 precincts and states that "Their boundaries shall be reviewed and, if need be, wholly or partially revised by the districting board in November, once in five (5) years, or in November of any year when so directed by a vote of a representative Town meeting not later than October thirtieth of that year."

However, state laws predicate the re-drawing of precinct lines on the federal census, which is only done every 10 years. Thereafter, those precincts become the basis for other districts including legislative districts. [General Laws chapter 54, section 6](#) limits the drawing of precincts to the Select Board. [General Laws chapter 54, section 7](#) allows the Select Board to make changes, but in the same manner as provided in section 6 and subject to the limits of [section 9A](#), which states that once the precincts are used to create legislative districts, they can't be changed for those purposes. When municipalities make changes to their precincts in accordance with this statutory scheme, they must submit them for approval to the Local Election Districts Review Commission, which reviews each submission for compliance with state law.

While General Laws chapter 54 section 7A allows Towns with RTM to further divide precincts, this action is limited to splitting the precincts for voting purposes of a representative town meeting and won't change them for other purposes.

Basically, if this provision were included and they acted upon it, the precincts they create outside the normal process would only be effective for municipal elections and could lead to having 2 different sets of precincts—one for municipal elections and one for state elections. This becomes confusing to voters who have to be notified for the relevant elections if their precincts are different. It also makes administration of elections much more complicated.

Elections Division had no fix for this section and asked whether the town would be amenable to removing it.

Commented [HW34R33]: I think the redlines provide a good solution. Will discuss with the Town.

437 town clerk shall forthwith give written notice thereof to the state, stating the number and
438 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

Commented [CA35]: I thought the term length was dictated by how many votes are received, not specifically delineated on the ballot? Wouldn't this work the same way for write-in candidates? In which case we should remove this language

Commented [HW36R35]: As cumbersome as the language may be, I would prefer to keep the language consistent with the existing special act and not make changes to this provision. My interpretation is that the language in the first paragraph dictating term length according to number of votes was only intended to apply at the first special election when the representative town meeting was established in Fairhaven and at elections following precinct revisions where the number of precincts is changed. For all other elections, there may be openings for 1, 2, or 3 year terms depending on whether vacancies have been created by the expiration of an incumbent's term or an earlier departure from the position.

Commented [CA37]: What if neither the Senator nor Rep are residents? Or if both are? Is the number of members subject to change based on that?

Commented [HW38R37]: Correct, such member of the general court would not be a member-at-large if not a Fairhaven resident.

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 a less number may organize temporarily and may adjourn from time to
487 time, and at an adjourned meeting seventy-five (75) town meeting members shall constitute a
488 quorum. Notice of every adjourned representative town meeting shall be posted by the town
489 clerk in at least 1 public place in each precinct. The notices shall state the business to be acted
490 upon at any meeting and shall include notice of any proposed reconsideration. All town meetings
491 shall be held in public places. Town meeting members shall receive no compensation. Subject to
492 such conditions as may be determined from time to time by the representative town meeting, any
493 voter of the town who is not a town meeting member may speak at any representative town
494 meeting, but shall not vote. A town meeting member may resign by filing a written resignation
495 with the town clerk and such resignation shall take effect upon the date of such filing. No elected
496 member whose official position entitles them to be a town meeting member at-large shall act as a
497 member at-large during such time as they remain an elected member. A town meeting member
498 who moves from the town shall cease to be a town meeting member and an elected town meeting
499 member who moves from the precinct from which they were elected to another precinct or is
500 removed by a revision of precincts shall only serve until the 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 ~~twenty-eight (28)~~ 35 days
504 before the election; provided, however, that any town meeting member may become a candidate

Commented [CB39]: Are notices still being sent by mail? Or it is now being sent electronically by email?

Commented [HW40R39]: They are being sent by mail, but electronic notice would be easier if this is a permissible change for the legislature to make.

Commented [CB41]: What does this mean? What are we trying to protect again?

Commented [AC42R41]: May need to amend this based on the comments from Elections Division re changing precincts

Commented [HW43R41]: I think this language would apply upon redistricting even if the charter language is revised in accordance with the Elections Division's comments.

Commented [CB44]: From Elections Division: The timeframe for filing nomination papers for representative town meeting member candidates is also inconsistent with state law. Subsection (d) provides that papers must be filed with the town clerk at least 28 days before the election. However, under state law, the deadline for candidates for municipal office to file the papers with the town clerk is 35 days. This extra time is necessary to prepare ballots, especially since representative town meeting candidates usually compromise the most on the ballot making it more complex to create and proof read. Also, they will need their ballots earlier to allow sufficient time for vote by mail.

Commented [HW45R44]: Will discuss with town.

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.

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.

Commented [CB54]: Correct?

Commented [HW55R54]: Changes accepted

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) "Fixture" 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
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.



TOWN OF FAIRHAVEN
BUILDING DEPARTMENT

RESIDENTIAL BUILDING PERMIT FEES

New One and Two Family Dwellings*	Application fee of \$50.00 plus \$12 per \$1,000 of total costs
Additions, Alterations, Renovations, Garages, Docks/Piers*	\$50.00 plus \$10 per \$1,000 of total costs
Accessory Structures (over 350 sq.foot)	\$200.00
Accessory Structures (under 350 sq. feet)	\$100.00
Certificate of Occupancy	\$150.00
Decks/Porches (new/repairs)	\$150.00 per story
Demolition of House (requires asbestos survey)	\$750.00
Demolition Accessory Structures (over 350 sq. ft.)	\$200.00
Demolition Accessory Structures (under 350 sq. feet)	\$100.00
Fireplace/Chimneys/Siding/Roofing/Doors	\$100.00 (prev. \$75.00)
Interior Alterations (Kitchen/Bath/Basement)	\$200.00 Each
Mechanical/Sheet Metal Permit Fee	\$100.00 (prev. \$75.00)
Permit Renewal	\$100.00
Pools	Above ground/spas/hot tubs= \$100.00, In-Ground= \$150.00
Re-Inspection Fee	\$75.00
Second and Subsequent Re-Inspection fee	\$125.00
Solid Fuel Appliance (wood/pellet stoves)	\$75.00
Temporary Structures/Tents	\$100.00
Trench permits	\$55.00
Wind Turbine/Solar Panels* (ground or roof)	\$50.00 plus \$10 per \$1,000 of costs
Windows	\$75.00 up to 5, Then \$10.00 Each (prev. \$5.00)
Zoning Determination Letter	\$150.00

- ALL STRUCTURAL WORK MUST BE PERFORMED BY A MA CSL
- 24 HOUR NOTICE REQUIRED FOR ALL INSPECTION REQUESTS
- RESPONSIBILITY OF LICENSEE TO CALL AND STAND FOR INSPECTIONS
- WORKING W/O A PERMIT, FEES WILL BE DOUBLED AND OR FINED
- FEES ARE NON-REFUNDABLE AND NON-TRANSFERRABLE
- FEES ARE SUBJECT TO CHANGE WITHOUT NOTICE

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes and that all work shall be conducted, installed, protected and completed in a workmanlike and acceptable manner so as to secure the results intended by 780 CMR. Neither the Building official nor the applicable enforcement authority shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**Contracts may be required and shall include material, equipment, and labor costs
 **Permit fees for unusual or special conditions not itemized herein will be determined by the Building Commissioner.*

Richard Forand, Building Commissioner

Approved by the Select Board



**TOWN OF FAIRHAVEN
BUILDING DEPARTMENT**

COMMERCIAL BUILDING PERMIT FEE SCHEDULE

New Construction*	Application fee of \$100.00 plus \$15 per thousand of total construction costs	
Accessory Structures, Int./Ext. alterations, Docks & Piers*	\$100.00 plus \$12 per thousand of total cost	
Certificate of Occupancy		\$150.00 (prev. \$250)
Certificate of Inspection (per 780 CMR Table I 10).....		\$100.00
Change of Occupancy/New Tenant (inspection required).....		\$150.00 (prev. \$125)
Demolition* (AQ06 form required).....	\$100.00 plus \$10 per thousand of total costs	
Mechanical/Sheet Metal*	\$100.00 plus \$10 per thousand of total costs	
Plan Review	fee may be assessed for large scale projects	
Re-Inspection Fee		\$100.00
Signs		\$150.00 each
Solar Roof or Ground*	\$100.00 plus \$15 per thousand of total construction costs	
Sprinkler*	\$100.00 plus \$10 per thousand of total costs	
Temporary Structures/ Tents		\$250.00
Trench permits		\$100.00
Wind Turbines*	1% of the total cost of the Project plus 3% Administration Fee	
Zoning Determination Letter		\$250.00

- 24 HOUR NOTICE REQUIRED FOR ALL INSPECTION REQUESTS
- RESPONSIBILITY OF LICENSEE TO CALL AND STAND FOR INSPECTIONS
- WORKING W/O A PERMIT, FEES WILL BE DOUBLED AND OR FINED
- FEES ARE NON-REFUNDABLE AND NON-TRANSFERABLE
- FEES ARE SUBJECT TO CHANGE WITHOUT NOTICE

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes and that all work shall be conducted, installed, protected and completed in a workmanlike and acceptable manner so as to secure the results intended by 780 CMR. Neither the Building official nor the applicable enforcement authority shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**Contracts may be required and shall include material, equipment, and labor costs
 **Permit fees for unusual or special conditions not itemized herein will be determined by the Building Commissioner.*

 Richard Forand, Building Commissioner

Approved by the Select Board



TOWN OF FAIRHAVEN
OFFICE OF THE BUILDING COMMISSIONER

ELECTRICAL DIVISION

RESIDENTIAL RATES

New Single-Family Dwelling

New Single-Family Dwelling (with overhead Service)	\$270.00	(prev. \$250)
New Single-Family Dwelling (with underground Service)	\$360.00	
New Two-Family Dwelling (with overhead Service)	\$235.00 each unit	
New Two-Family Dwelling (with underground Service)	\$275.00 each unit	
New Multi Family Dwelling (More than 2 Units).....	<i>See Commercial Rates</i>	

Existing Dwellings: (Two Inspections - Does not include Service)

Addition existing Single/Two Family Dwelling.....	\$135.00	(prev. \$110)
Remodel existing Single/Two Family Dwelling	\$135.00	

New & Temporary Service only:

Overhead Service	\$125.00	(prev. \$100)
Underground Service	\$150.00	(prev. \$150.00)

Generators:

Generator without Trench	\$100.00	
Generator with Trench	\$150.00	(added with trench)

Pool:

Above Ground Pool	\$100.00	(prev. \$75)
In-Ground Pool	\$135.00	(prev. \$125)

Solar:

Roof Mounted Solar System	\$135.00	
Ground Mounted Solar Systems	\$100.00	(added more categories)
ESS (Energy Storage System)	\$100.00	
Smart Panel	\$100.00	

Burglar & Fire Alarm (Includes line-voltage smoke detectors)\$125.00 (prev. \$100)

Single Device/Appliance \$135.00

One inspection:	\$90.00	(prev. \$55)
Two inspections:	\$135.00	(prev. \$110)

Re-inspection fees:

Re-inspection (Paid prior to inspection)	\$90.00	
Second and Subsequent Re-inspection:	\$135.00	(prev. \$125)

COMMERICAL RATES

Commercial Permit Fee:	\$100.00 application fee plus \$14.00 per thousand	(prev. \$12)
Annual Maintenance Permit (In-house electrician only):	\$250.00	(prev. \$200)
Circus, Carnival, Fairs:	\$135.00	(prev. \$100)
Multi-Family Dwelling (more than 2 units)	\$100.00 application feed plus \$14.00 per thousand	(prev. \$12)
Re-inspection (paid prior to inspection):	\$135.00	(prev \$100)

- ALL ELECTRICAL WORK MUST PERFORMED BY A MA LICENSEE
- 24 HOUR NOTICE REQUIRED FOR ALL INSPECTION REQUESTS
- RESPONSIBILITY OF LICENSEE TO CALL AND STAND FOR INSPECTIONS
- WORKING W/O A PERMIT, FEES WILL BE DOUBLED AND OR FINED
- FEES ARE NON-REFUNDABLE AND NON-TRANSFERABLE
- FEES ARE SUBJECT TO CHANGE WITHOUT NOTICE

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**Contracts may be required and shall include material, equipment, and labor costs*

***Not for Projects over \$2500.00*

****Each unit requires its own permit*

*****Permit fees for unusual or special conditions not itemized herein will be determined by the Building Commissioner.*

Richard Forand, Building Commissioner

Approved by the Select Board



TOWN OF FAIRHAVEN
OFFICE OF THE BUILDING COMMISSIONER

PLUMBING/ GAS DIVISION

Norman Lussier, Plumbing Inspector
Henry Daigle, Gas Inspector

Residential Plumbing/Gas	Application fee of \$75.00, plus \$15 per fixture	
Re-inspection Fee (Paid Prior to re-inspection)		\$75.00
Second and Subsequent Re-Inspection fee		\$125.00
Sewer and/or Water Tie-in		\$85.00
Tub to Shower Conversion		\$125.00
Commercial Plumbing/Gas*	Application fee of \$100.00, plus \$20 per fixture	
Commercial Re-inspection fee (paid prior to re-inspection)		\$125.00 (prev. \$100)
Commercial Sewer and/or Water Tie-in		\$175.00
Multi Family Dwelling** (more than 3 units)	\$100.00 fee plus \$20 per fixture	

- ALL PLUMBING/GAS WORK MUST BE PERFORMED BY A MA LICENSEE
- 24 HOUR NOTICE REQUIRED FOR ALL INSPECTION REQUESTS
- RESPONSIBILITY OF LICENSEE TO CALL AND STAND FOR INSPECTIONS
- WORKING W/O A PERMIT, FEES WILL BE DOUBLED AND OR FINED
- FEES ARE NON-REFUNDABLE AND NON-TRANSFERABLE
- FEES ARE SUBJECT TO CHANGE WITHOUT NOTICE

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes and that all work shall be conducted, installed, protected and completed in a workmanlike and acceptable manner so as to secure the results intended by 780 CMR. Neither the Building official nor the applicable enforcement authority shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**Contracts may be required and shall include material, equipment, and labor costs*

***Each unit requires its own permit*

****Permit fees for unusual or special conditions not itemized herein will be determined by the Building Commissioner.*

Richard Forand, Building Commissioner

Approved by the Select Board

Fw: please print

1 message

Don <collasius@hotmail.com>
To: Amy Hart <ahart@fairhaven-ma.gov>

Wed, Feb 4, 2026 at 1:17 PM

Hi Amy

Hope all is well. Is there an open spot on the Capital Planning Committee? If so please see below.

Thanks Don

From: Don <collasius@hotmail.com>
Sent: Wednesday, February 4, 2026 1:13 PM
To: Nunez Carolyn <carolyn.nunez123@gmail.com>
Subject: please print

To: Fairhaven Selectboard
From: Don C. Collasius
RE: open position on Capital Planning Committee

Dear Board

I am interested in a seat on the Capital Planning Committee. I have a significant amount of experience in most fields of Capital Acquisition.

Thank you,

Don Carlos Collasius



February 27, 2026

Fairhaven Select Board
 Fairhaven Town Hall
 40 Center Street
 Fairhaven, MA 02719

BOARD OF DIRECTORS

David Croll, Chair
 Mike Huguenin, Vice-Chair
 Chris Schade, Treasurer
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 Mike Angelini
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 Paul Elias
 Neil Kamal Ganju, Ph.D.
 Peter Grauer
 Emma Green-Beach
 Kendra Medina
 Chris Neill, Ph.D.
 Christine Parks
 Skylah Reis
 Scott Zeien

Dear Fairhaven Select Board,

I am writing to request approval for the use of public roads in Fairhaven for the Buzzards Bay Coalition's **20th Annual Watershed Ride on Sunday, October 4, 2026.**

This cycling event begins in Little Compton, RI at 7:30am with riders making their way through 11 towns over 100 miles to eventually end in Woods Hole. The Watershed Ride raises funds for clean water in Fairhaven, and all of Buzzards Bay.

As always, we will assign volunteers to the critical turns to ensure our cyclists pass safely and smoothly through the route. We expect cyclists to pass through town between the hours of **10:30am-12:00pm**. The route through Fairhaven is the same as last year, please see attached for the full route cue sheet.

Additionally, enclosed is the vent Notification form, which MassDOT has requested to be completed and returned to us for use in securing our state highway permit.

Lastly, we're wondering if the Board would grant permission to post six 18" x 24" signs about the Ride along the bike path route for the months of August and September only.

We are grateful for the Town's continued support and appreciate the opportunity to showcase the scenic beauty of Fairhaven as part of the Watershed Ride.

Please do not hesitate to contact me if you require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kate Reilly".

Kate Reilly, Event Associate
 reilly@savebuzzardsbay.org

cc: Police Chief Dorgan and Fire Chief Correia via email

2026 Buzzards Bay Watershed Ride



This is the route for the 20th Annual Buzzards Bay Watershed Ride, which will be held on Sunday, October 4, 2026.



2026 Buzzards Bay Watershed Ride - 100 Mile

Dist	Type	Note	Next
0.0		Start of route Little Compton, RI	0.1
0.1		L onto Town Landing Road, RI 77	0.1
0.2		L onto Sakonnet Point Road, RI 77	1.3
1.5		L onto West Main Road, RI 77	2.3
3.8		R onto Meeting House Lane	0.7
4.5		Keep L onto Commons	0.2
4.7		L onto South of Commons Road	0.0
4.7		R onto Simmons Road	0.6
5.3		Continue onto Simmons Road	0.0
5.3		R onto Maple Avenue	0.3
5.6		L onto William Sisson Road	0.6
6.2		L onto Long Highway	0.6
6.9		Keep R onto Pottersville Road	1.0
7.8		Slight R onto Mullin Hill Rd Westport, MA	0.8
8.6		R onto Old Harbor Rd	0.6
9.1		R onto Howland Rd	1.1
10.2		L onto Atlantic Ave	0.7
10.9		L onto Acoaxet Rd	0.2
11.1		Continue onto River Rd	3.2
14.4		Slight R onto Old Harbor Rd	0.5
14.8		R onto Adamsville Rd	2.5
17.4		Slight R onto Main Road	3.5
20.9		L onto Hotel Hill Road	0.1
21.0		Continue onto Drift Road	0.1
21.0		R onto Veterans Of Foreign Wars Memorial Drive	0.7
21.8		Metal Drawbridge ahead - slow down, proceed with caution. Dismount bike and walk over if raining.	0.5
22.2		Continue onto John Reed Rd	0.5
22.7		WATER/REST STOP	0.0
22.8		WATER/REST STOP. Food, water, restrooms	0.0
22.8		77 MILE START LINE	1.2
24.0		L onto E Beach Rd	2.5
26.5		R onto Old Horseneck Road	1.1
27.6		R onto Allens Neck Road Dartmouth, MA	0.7
28.3		L onto Barneys Joy Road	0.9

Dist	Type	Note	Next
29.1	↑	Continue onto Horseneck Road	1.9
31.1	→	R onto Tannery Ln	0.0
31.1	→	R onto Rock O'Dundee Rd	0.9
32.0	→	Slight R onto Potomska Rd	2.4
34.5	↑	Continue onto Little River Rd	0.9
35.4	←	L onto Smith Neck Rd	3.3
38.7	→	R onto Gulf Rd	0.4
39.1	←	L onto Elm St	0.1
39.3	→	R onto Prospect St	0.2
39.5	←	Slight L onto Dartmouth St	1.1
40.6	→	R onto Rogers St New Bedford, MA	0.4
41.0	←	L onto Padanaram Ave	0.3
41.3	→	R onto Cove Road	0.1
41.4	→	R up onto sidewalk and on ramp to CoveWalk. Uneven ground, use caution.	0.8
42.3	←	Slow down, take off ramp on L to leave CoveWalk	0.0
42.3	→	R onto W. Rodney French Blvd.	0.4
42.7	↑	Look for bike path on R, enter bike path again	0.8
43.4	↑	Go thru the gate on to bike path - Fort Taber. Narrow gate, use caution.	0.4
43.9	↑	Keep straight on bike path, follow coastline	0.3
44.2	←	Follow bike path L around bend	0.2
44.4	←	L, then an immediate R	0.0
44.4	→	R to stay on path	0.1
44.5	ψ	WATER/REST STOP Water, food, restrooms available	0.0
44.5	Ⓞ	WATER/REST STOP	0.1
44.6	→	Bear R to say on bike path	0.1
44.7	←	Bear L to exit park	0.0
44.7	→	R onto E. Rodney French Blvd.	1.1
45.7	→	Take R to enter on-ramp to HarborWalk. Use caution.	0.6
46.4	i	SLOW DOWN, Take steep ramp off Harbor Walk on L	0.0
46.4	←	L at bottom of ramp puts you on Gifford Street	0.3
46.7	→	R onto South Front Street	0.3
47.0	→	R onto Potomska Street	0.2
47.2	↑	Continue on McArthur Drive	0.5

Dist	Type	Note	Next
47.7	←	At intersection, cross over bearing L to ENTER SIDEWALK immediately on your R. Use caution.	0.0
47.7	→	R then immediately jog L to stay on brick sidewalk bike path.	0.2
47.9	↑	Jog R to stay on bike path and on-ramp up to highway	0.0
47.9	↑	Straight to enter sidewalk on-ramp	0.2
48.1	↑	Merge onto US-6E, stay on sidewalk Fairhaven, MA	0.8
48.9	→	R onto Middle St	0.6
49.5	←	L onto Ferry St	0.0
49.5	→	R onto Main St	0.0
49.5	←	L onto Bike Path/Phoenix Rail Trail Mattapoisett, MA	5.2
54.7	→	R onto Depot Street	0.1
54.8	←	L onto Main Street	0.2
55.0	←	L onto Acushnet Road Acushnet, MA	0.4
55.4	←	L to stay on Acushnet Road	0.8
56.2	←	L onto Acushnet Road	1.7
57.9	→	R onto Long Plain Road	1.1
59.0	Ⓛ	LUNCH STOP & 41-MILE START	0.1
59.0	ψ	LUNCH STOP/40-mile START LINE 63 Long Plain Rd. Food, water, restrooms available.	1.2
60.2	→	R onto Perry Hill Road	3.4
63.6	→	Keep R to stay on New Bedford Rd	0.0
63.6	→	R onto Marion Road Rochester, MA	0.1
63.7	←	L onto Marys Pond Rd	3.3
67.0	↑	Continue on Fearing Hill Road Wareham, MA	1.6
68.6	→	R onto Main St	1.0
69.6	→	R to stay on Main St	0.3
69.9	→	R onto Gibbs Ave	0.1
70.0	←	Slight L onto High St	1.0
71.0	←	L onto Cedar St	0.1
71.1	←	L onto Main St	0.2
71.2	→	R onto US-6 E/Sandwich Rd	0.1
71.3	→	R onto Narrows Road	0.4
71.7	↑	Continue onto Minot Ave	1.4
73.1	↑	Proceed straight through intersection	0.0
73.1	→	R onto Onset Ave	3.2

Dist	Type	Note	Next
76.4	➔	R onto MA-28/US-6E/Cranberry Hwy Bourne (Buzzards Bay)	0.5
76.9	↑	Continue straight through rotary to stay on Main St	0.1
77.1	➔	R onto Canal St and parking lot	0.2
77.2	➔	R toward Canal Service Rd/Bike Path	0.0
77.3	←	L onto Canal Service Rd and bike path Slow down. Follow bike path etiquette. Yield to pedestrians.	1.2
78.5	←	L on to Andy Olivia Drive	0.0
78.5	↑	Straight up hill to stay on Andy Olivia through campground	0.2
78.8	←	L onto Main St/Route 6. Must cross with traffic light.	0.2
78.9	➔	Take R up ramp to Starbucks Parking Lot	0.0
79.0	↑	Stay L as you proceed through parking lot cut through	0.0
79.0	←	L to exit parking lot	0.0
79.0	➔	R onto Bourne Bridge Approach/Old Bourne Bridge Approach	0.1
79.1	ψ	WATER/ REST STOP Food, water, restrooms available.	0.0
79.2	ⓘ	Water/Rest Stop	0.0
79.2	➔	Keep R to enter Bridge Sidewalk. Dismount to cross bridge on foot.	0.7
79.9	↑	Use sidewalk to bear R around State Police Building. Welcome to Cape Cod!	0.1
79.9	➔	R onto Trowbridge Rd	0.7
80.6	↑	Continue onto Shore Rd	0.9
81.5	←	Bear L to stay on Shore Rd.	1.2
82.6	➔	R to stay on Shore Rd	1.8
84.4	i	Metal drawbridge ahead, proceed with caution. Dismount bike to cross if raining.	1.2
85.6	i	Railroad tracks, proceed with caution.	0.3
85.9	➔	R onto Red Brook Harbor Rd	1.0
87.0	➔	R to stay on Squeteague Harbor Rd	0.2
87.1	➔	R onto Megansett Rd Falmouth/Woods Hole, MA	0.9
88.0	↑	Straight across County St.	0.0
88.0	➔	R onto Chester St	0.2
88.2	←	Keep L to stay on Chester St	0.7
88.9	↑	Straight onto Quaker Rd	1.7
90.6	ⓘ	Water Stop	1.1
91.7	↑	Merges into Nashawena Street	0.6
92.3	←	L onto Old Dock Rd	0.0

Dist	Type	Note	Next
92.3	➔	R at train tracks on to Bike Path/Shining Sea Bikeway. Proceed to end of bike path	2.2
94.6	↑	Stay on bike path all the way to end in Woods Hole	1.9
96.5	i	Slow down. Prepare to use traffic light at crosswalk at Woods Hole Rd.	3.2
99.7	➔	R on Railroad Avenue	0.0
99.8	←	L onto Water St	0.3
100.1	➔	R onto MBL St	0.1
100.2	📍	End of route	0.0

Re: 2026 Buzzards Bay Coalition Watershed Ride - Fairhave approval request

1 message

Daniel Dorgan <daniel.dorgan@fairhavenpolice.org>

Tue, Mar 3, 2026 at 11:42 AM

To: Rebecca Vento <rvento@fairhaven-ma.gov>, Kate Reilly <reilly@savebuzzardsbay.org>

Cc: Todd Correia <tcorreia@fairhaven-ma.gov>, Amy Hart <ahart@fairhaven-ma.gov>, BPW <bpw@fairhaven-ma.gov>, Vincent Furtado <vfurtado@fairhaven-ma.gov>

No issues for Police Department

Daniel M. Dorgan
Chief of Police
Fairhaven Police Department
Phone: (508)997-7421 ext. 6082

On Mar 3, 2026 at 11:40 AM -0500, **Rebecca Vento** <rvento@fairhaven-ma.gov>, wrote:

Good morning,

This item has been placed on the agenda for the next Board of Public Works meeting on March 9, 2026.

Best regards,
Becky

On Tue, Mar 3, 2026 at 10:48 AM Kate Reilly <reilly@savebuzzardsbay.org> wrote:

Thank you very much, Chief Correia.

Best,
Kate

Kate Reilly (she/her)

Event Manager

BUZZARDS BAY COALITION

114 Front Street, New Bedford, MA 02740 USA

Tel: 508-999-6363 x.208 - www.savebuzzardsbay.org

From: Todd Correia <tcorreia@fairhaven-ma.gov>

Sent: Tuesday, March 3, 2026 10:27 AM

To: Kate Reilly <reilly@savebuzzardsbay.org>

Cc: Amy Hart <ahart@fairhaven-ma.gov>; Daniel Dorgan <daniel.dorgan@fairhavenpolice.org>; BPW <bpw@fairhaven-ma.gov>; Vincent Furtado <vfurtado@fairhaven-ma.gov>

Subject: Re: 2026 Buzzards Bay Coalition Watershed Ride - Fairhave approval request

Good Monring,

The Fire Department has no issue with this request. If you require any details, please submit a separate request.

Regards,



Todd Correia
Fire Chief

146 Washington Street,
Fairhaven MA 02719

EVENT NOTIFICATION FORM

Date: 2/27/26

Ms. Mary-Joe Perry
District Highway Director, District Five
MassDOT, Highway Division
1000 County Street
Taunton, MA 02780

Event Date: 10/4/26

Dear Sir:

Please be advised that the Grantee(s) of this Event Buzzards Bay Watershed Ride has notified the Board of Selectmen/City Council, Local Police Department, Local Fire Department and if applicable the State Police of its intention to conduct road work/parade/race/ride or other events impacting State Highways on Route(s) 6 eastbound in or through the City/Town(s) of Fairhaven benefiting Buzzards Bay Coalition

The Grantee(s) of this Event understands that it must give the Police and Fire Departments at least 48 hours notice before the commencement of the proposed event.

The Grantee(s) must supply a Traffic Management Plan when the roadway is occupied and for all detours associated with said events to this Department and to all officials listed below. The Grantee(s) must notify the local and/or state police to set up a detour of this area with appropriate signs and barricades. The local Fire Department must be notified of the detour to ensure that measures will be taken to minimize disruption to the Fire Department's emergency service during the event. The Grantee(s) must also notify local media (newspapers, radio) of this proposed event.

The following signatures are required prior to the issuance of the Permit.

LOCAL POLICE DEPARTMENT

Signed: _____

Title: _____

City/Town: _____

FIRE DEPARTMENT

Signed: _____

Title: _____

City/Town: _____

BOARD OF SELECTMEN/CITY COUNCIL

Signed: _____

Title: _____

City/Town: _____

STATE POLICE DEPARTMENT

Signed: _____

Title: _____

City/Town: _____



Monday, March 9, 2026

ACTION / DISCUSSION

1. Discussion on Closing a Section of the Bike Path Abutting the Atlas Tack Property
2. Ratify Collective Bargaining Agreement: Police
3. Pledge of Collateral, All Alcohol Beverage License: Bitter Wallace, Inc. d/b/a The Bitter End to Bay Coast Bank
4. Consider Amending Town Hall Business Hours: Monday 7:30am-6:00pm, Tuesday through Thursday 7:30am-4:30pm and Friday 7:30am-11:30am
5. Discussion on Select Board Waiving Their Compensation for FY2027

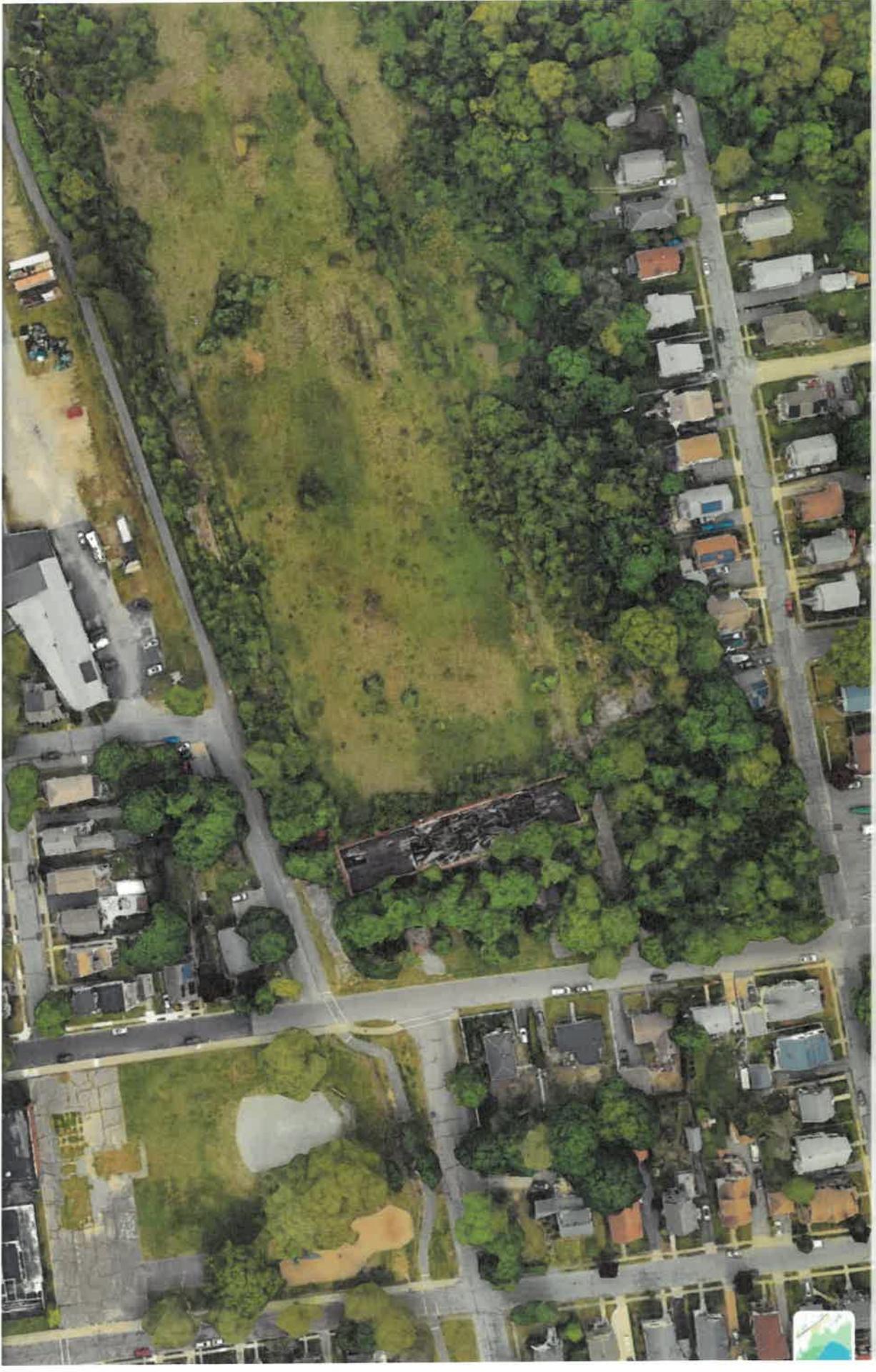


PHOENIX RAIL TRAIL CLOSURE AT ATLAS TACK

SCALE 1" = 40'

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





**THE TOWN OF FAIRHAVEN
AND
NEW ENGLAND POLICE BENEVOLENT
ASSOCIATION, LOCAL 64
(FY2025-2028)**

This Memorandum sets forth the material terms of a successor collective bargaining agreement reached between the Union's and the Town's negotiating teams, subject to ratification by the Union membership of the Union, approval by the Select Board, and funding by the Town Meeting as required by law.

The Collective Bargaining Agreement which expired on June 30, 2025, shall be extended without change for a period of three years except as provided herein. The following provisions represent the material changes in the parties' agreement for an agreement through June 30, 2028.

1. GENERAL AGREEMENTS

In addition to the amendments noted below, the parties agree to integrate this Memorandum of Agreement with the existing Collective Bargaining Agreement, as well as make non-substantive modifications to the form of the agreement to correct typographical and grammatical errors. The Parties may also make other agreed upon, non-substantive changes.

2. ARTICLE IV, HOURS - SENIORITY

The parties agree to Amend Article IV, section 5, first paragraph by deleting the language shown in bold with a strikethrough and adding the language shown in bold and underlined as follows:

Twice each year all employees with more than eighteen (18) months seniority, shall become eligible to submit a bid for the next shift assignments, expressing their first, second, third, fourth, and fifth preferences. Officers with fifteen months or more, but less than eighteen months of service may bid and be assigned effective within ninety days of the bid period. Bidding shall take place from January 1st to ~~February 1st~~ January 15th (assigned by ~~February 8th~~ January 18th) for the period April 1 through September 30, and from July 1st to ~~August 1st~~ July 15th (assigned by ~~August 8th~~ July 18th) for the period October 1 through March 31.

3. ARTICLE IV, HOURS - SENIORITY

The parties agree to Amend Article IV, section 5, second paragraph by deleting the language shown with a strikethrough and adding the language shown in bold and underlined as follows:

Such shifts for patrolmen shall consist of the 8:00 am to 4:00 pm shift, 4:00 pm to 12 midnight shift, a 6:00 pm to 2:00 am shift and the 12 midnight to 8:00 am shift, a split shift of two (2) 4:00 pm to 12 midnight and two (2) 12 midnight to 8:00 am shifts, or other combinations of two (2) 8:00 am to 4:00 pm/two (2) 4:00 pm or 12 midnight or two (2) 8:00 am to 4:00 pm/two (2) 12:00 midnight to 8:00 am shifts, and such shifts that the Chief

may determine to be necessary to meet a specific need at the time such bids are posted. Such shifts for sergeants may consist of the **8:00 am to 4:00 pm shift**, 4:00 pm to 12 midnight shift, 12 midnight to 8:00 am shift, and two (2) split shifts consisting of two (2) 8:00 am to 4:00 pm shifts and two (2) 4:00 pm to 12 midnight shifts, and two (2) 8:00 am to 4:00 pm shifts and two (2) 12 midnight to 8:00 am shifts, or other combinations determined by the Chief. In case of future vacancies on regular shifts pertaining to uniform police duty (not detective, safety officer, motorcycle officer, school resource officer, rescue assignments or administrative assistant or other special assignment) when the Chief decides to fill the vacancy, a notice stating and describing the vacancy shall be posted on the department bulletin board for seven (7) consecutive days. All eligible officers may bid upon said position. Within thirty (30) days the Chief shall assign shifts or fill the vacancy according to seniority, unless in his judgment it would not be in the best interests of the Town or the department to do so. The judgment of the Chief of Police shall be final, unless his decision is not reasonably supported by the facts and he shall clearly state his reasons in writing at the request of the employee. The decision of the Chief shall be subject to the grievance procedure. In cases of removal from a detective, safety officer, school resource officer, motorcycle officer assignment, or other special assignment that officer shall be assigned to his original bid shift, according to seniority. If the Chief determines that this causes an excess of personnel on a shift or if a replacement is assigned to special assignment and a vacancy is created, it shall be bid upon. If no officer bids the vacancy, the least senior man on that affected shift may be reassigned, utilizing the bump system by seniority. If the Chief determines it to be necessary, EMT and Non-EMT shifts and vacancies shall be bid separately by EMT's and Non-EMT's.

4. **ARTICLE VI, ADDITIONAL BENEFITS**

The parties agree to Amend Article VI, section 4, by deleting the language shown with a strikethrough and adding the language shown in bold and underlined as follows:

Special detail rates for Town and private details shall be ~~\$58.00~~ **\$75.00** per hour commencing on the date of execution of this Agreement until June 30, ~~2023~~**2026**, and shall be ~~\$60.00~~ **\$77.00** per hour commencing on July 1, ~~2023~~ **2026** until June 30, ~~2024~~**2027**, and shall be ~~\$62.00~~ **\$80.00** per hour commencing on July 1, ~~2024~~ **2027** until June 30, ~~2025~~ **2028**, with a minimum four (4) hours for all details, ~~except that for private details which exceed four (4) hours, there shall be a minimum of eight (8) hours.~~ Any private **and town** details which exceed four (4) hours, there shall be a minimum of eight (8) hours. Election details shall be paid at straight time **detail rate** regardless of the number of consecutive hours worked, **with a minimum four (4) hours for all election details, then hour for hour after the first four (4) hours.** There shall be no time lost for lunch breaks on any private detail. **Details are to be paid in whole hour increments.** At any time when the Fairhaven police are sharing a detail or function with the Massachusetts state police, or other law enforcement agency, the Fairhaven police officers shall be paid whichever is the higher rate of pay. For the purpose of this provision the term "Town details" shall mean those details which are paid for by the Town, regardless of the Town's source of funding which may include, but shall not be limited to, tax assessments, fee payments and other revenues, grant funds, and state and federal reimbursements. The term "Town non-profit details" shall mean those details which are paid for by a Massachusetts not for profit

organization which maintains its principal or ordinary place of business in the Town of Fairhaven.

If any work is performed during the period of 12 midnight through 8:00 am, all special details compensated during this period shall ~~also include additional compensation of \$1.00 per hour, and shall be \$10.00 per hour commencing on July 1, 2011~~ commencing on the date of execution of this agreement, shall be paid at one and one-half times the applicable detail rate.

In all cases where there are two (2) or more officers on a detail, commencing on the date of execution of this agreement, the officer in charge will be paid an additional ~~fifty (50) cents one (\$1.00) dollar~~ per hour. This officer will be responsible for all supervision of subordinates working the detail. No one other than a Fairhaven police officer shall direct traffic or otherwise work a detail in Fairhaven unless no Fairhaven police officer is available and willing to accept such work.

Unless a detail is cancelled a minimum of eight (8) hours in advance when the detail is scheduled to start, said officer shall receive the eight (8) hours of pay at the detail rate. If a detail is scheduled less than eight (8) hours prior to the scheduled start of said detail, the detail officer shall received a minimum of eight (8) hours pay at the detail rate.

An "alcohol detail", where the venue is serving alcohol, shall be established at a rate of ten (\$10.00) above the regular detail rate.

5. ARTICLE VI, ADDITIONAL BENEFITS

The parties agree to Amend Article VI, section 8, by deleting the language shown with a strikethrough and adding the language shown in bold and underlined as follows:

When an officer substitutes in an existing supervisory capacity, he/she shall be compensated at his/her regular rate of pay plus twelve (12%) percent. Effective upon execution of this Agreement, such compensation shall increase to eighteen (18%) percent.

6. ARTICLE VII, GRIEVANCE PROCEDURE: DEFINED ARBITRATION

The parties agree to Amend Article VI, section A, steps 1 and 2 by deleting the language shown in bold with a strikethrough and adding the language shown in bold and underlined, with remaining steps to be renumbered, as follows:

STEP 1: Within ~~fifteen (15)~~ days after the employee/Union knew or reasonably should have known of the act or condition giving rise to the grievance, the aggrieved employee and/or the Union steward shall request an informal, in-person meeting with the employee, the Union and the Chief. The meeting shall be requested in writing or by email. The meeting will be scheduled as soon as operationally practical, but no later than three (3) days after the request. The sole purpose is to explore the issue, exchange information, and attempt to reach a mutually acceptable resolution without

written paperwork. The Chief shall give an informal answer – verbally or by email – within two (2) days of the meeting. If the grievance is resolved at this step, the matter ends.

STEP ~~12~~: The ASSOCIATION submits in writing its grievance to the Chief within ~~fifteen (15)~~ **five (5) days after the grievance arises- completion of step 1 of the grievance procedure.** The written grievance shall contain a statement of the contract provision allegedly violated, the facts that lead to the filing of the grievance, and the remedy sought. The Chief has fifteen (15) days (including Saturday, Sunday and Holidays) to act upon the same. In the event that the aggrieved party is unable by reason of physical or mental incapacity to file the grievance within said time, then he is entitled to file it within fifteen (15) days after the removal of the disability.

STEP ~~23~~: Within fifteen (15) days (including Saturdays, Sundays and Holidays), of transmittal of an answer by the Chief, either party may request that the grievance be presented to the Town Administrator, which has twenty (20) days to act upon the same. **Prior to issuing a response, the Chief, the Union and the Town Administrator shall meet to explore the issue, exchange information, and attempt to reach a mutually acceptable resolution.**

7. ARTICLE VII, GRIEVANCE PROCEDURE: DEFINED ARBITRATION

The parties agree to Amend Article VI, section B by deleting the language shown in bold with a strikethrough and adding the language shown in bold and underlined, with remaining steps to be renumbered, as follows:

The above steps that require written notification will be by U.S. Certified mail, **by e-mail**, or service in-hand. Notice to the Chief of Police and President or Vice President of the ASSOCIATION will constitute notice to the parties respectively.

8. ARTICLE IX, SALARIES & BENEFITS

Effective July 1, 2025, the parties agree to update the existing Section 1 Wage Table in Article IX to reflect the following change to employee compensation:

FY2026

Effective July 1, 2025 0.0% increase

Effective January 1, 2026 1.0% increase

FY2027

Effective July 1, 2026 1.0% increase

Effective January 1, 2027 1.0% increase

FY2028

Effective July 1, 2027 1.0% increase

Effective January 1, 2028 0.0% increase

Effective June 30, 2028 2.0% increase

9. **ARTICLE IX, SALARIES & BENEFITS**

Effective July 1, 2026, the parties agree to amend Article IX, by adding a new section 8, as follows:

SECTION 8. DETECTIVE PAY

Effective July 1, 2026, Officers assigned to the Detective Division shall be paid a differential of two and one-half percent (2.5%) of their straight hourly rate for duties subject to recall at the request of the Chief of Police and will be paid in accordance with the overtime section of this contract as long as they are assigned to the Detective Bureau. Effective July 1, 2026, the Detective differential shall be increased by two and one-half percent (2.5%) for a total differential of five percent (5%).

10. **ARTICLE XV, HOLIDAYS, BIRTHDAY**

The parties agree to Amend Article XV, section 4 by deleting the language shown in bold with a strikethrough and adding the language shown in bold and underlined, with remaining steps to be renumbered, as follows:

Effective July 1, ~~2018~~ **2025**, any bargaining unit member who works on the following holidays shall ~~be their overtime rate for all hours worked~~ **shall receive four (4) hours of holiday pay (straight rate of pay) for each shift worked:** Thanksgiving and Christmas.

11. **ARTICLE XVI, VACATION**

The parties agree to Amend Article XVI, section B, paragraph 2. by deleting the language shown in bold with a strikethrough and adding the language shown in bold and underlined as follows:

2. Vacations shall be assigned twice per year. **Bidding shall take place from January 18th to January 31st (assigned by February 3rd) for the period April 1 through September 30, and from July 18th to July 31st (assigned by August 3rd) for the period October 1 through March 31.** Assignments shall be made on the basis of seniority, each officer having the right to bid for up to ten days of his available vacation time, to include up to two separate vacation periods, not to exceed 14 consecutive calendar days at one time. Available unbid vacation time may be assigned by the Chief pursuant to paragraph 5, below, at any time during the following six (6) months period. Up to 10 vacation days per period may be assigned by the Chief of Police at his/her discretion after the initial assignment date, subject to paragraph 7 below.

12. **ARTICLE XVII, SICK LEAVE**

The parties agree to Amend Article XVII, section E, by deleting it in its entirety as follows:

~~Employees hired after July 1, 2022 shall not be entitled to any annual sick leave buyback. In exchange for this agreement, the FY23 salary will increase by .5%.~~

~~Further, employees hired after July 1, 2022 shall only be entitled to accumulate up to one hundred thirty five (135) sick days and are only entitled to a sick leave buyout only upon retirement .at which time the employee shall be paid at the rate of one day's pay for each two (2) days of sick leave accumulated up to a maximum payment of Ten Thousand Dollars (\$10,000.00).~~

13. NEW ARTICLE, XXXI, PERFORMANCE EVALUATION PROGRAM

The parties agree to amend the collective bargaining agreement to add a new article, Article XXXI, Performance Evaluation Program, and to renumber the existing Article XXXI, Duration accordingly, as follows:

ARTICLE XXXI: PERFORMANCE EVALUATION PROGRAM

1. Purpose

The purpose of this section is to establish a fair, consistent, and transparent performance evaluation program for all members covered under this Agreement. The program is designed to provide constructive feedback, support professional development, recognize exemplary performance, and identify areas for improvement.

2. Evaluation Criteria

Performance evaluations shall be based on objective, job-related criteria, which may include, but are not limited to:

- a. Job knowledge and technical skills
- b. Quality and efficiency of work
- c. Professional conduct and adherence to department policies
- d. Communication and teamwork
- e. Community engagement and public service
- f. Attendance patterns, including review of sick time usage, with consideration of legitimate medical needs and protected leave
- g. Achievement of goals set in consultation with supervisory personnel

3. Evaluation Process

- a. Employees shall receive a formal performance evaluation **once per year** (annual).
- b. Supervisors conducting evaluations shall provide employees with written notice of the evaluation period and criteria at least 30 days in advance.
- c. Evaluations shall include a written summary and a performance rating using a standardized rating scale agreed upon by the parties.

d. Employees shall have the opportunity to review and sign their evaluation, acknowledging receipt. Signing does not imply agreement. Employees may submit written comments or rebuttals to be included in their personnel file.

4. Attendance Review and Performance Improvement

a. Sick time usage will be reviewed as part of the annual evaluation. Patterns of frequent or irregular absences may be discussed with the employee in a constructive manner to identify causes and provide support.

b. If an evaluation identifies areas needing improvement, including attendance concerns, a Performance Improvement Plan (PIP) may be developed collaboratively between the employee and the supervisor.

c. The PIP shall specify goals, expected outcomes, available support or training, and a timeline for follow-up evaluation.

5. Confidentiality and Use

Performance evaluations shall remain confidential and shall be used solely for personnel management purposes, including promotions, training, assignments, and disciplinary considerations, in accordance with applicable laws and department policy.

6. Union Participation

The Union shall have the right to participate in the development and modification of the evaluation program. Any changes to the evaluation criteria or process shall be discussed with the Union prior to implementation.

14. NEW ARTICLE, XXXII, ELECTRONIC PAYSTUBS

The parties agree to amend the collective bargaining agreement to add a new article, Article XXXI, Electronic Paystubs, and to renumber the existing Article XXXI, Duration accordingly, as follows:

ARTICLE XXXII: ELECTRONIC PAYSTUBS

After all Town unions have agreed to the implementation of electronic paystubs rather than paper paystubs, the Town shall institute electronic stubs after a 30-day notice to the union.

15. **ARTICLE XXXI, DURATION**

Effective July 1, 2025, the parties agree to amend Article XXXI, Duration by renumbering it to XXXIII, with deletions in strikethrough and additions in underscored, emboldened text as follows:

ARTICLE XXXIII, DURATION

This contract shall extend from ~~July 1, 2022 to June 30~~ **July 1, 2025 to June 30, 2028** and shall continue in force and effect thereafter while the parties are negotiating toward a new Agreement. Either party wishing to modify, amend or terminate the contract must notify the other party in writing not more than one hundred eighty (180) days or less than ninety (90) days prior to the expiration date as set forth above. After receipt of notice by either party, a conference will be held within thirty (30) days between the Town and the Police Association Negotiation Committee for the purpose of negotiating such amendments, modifications or termination.

HOUSEKEEPING

The Parties agree to amend the final integrated CBA based on a redlined CBA containing the non-substantive changes, which include conversion of roman numerals to Arabic numerals, correction of grammatical errors, renumbering and re-formatting, where necessary. The parties also agree to integrate all previous Memorandums of Agreement into the CBA. Further corrections have been identified on Exhibit A attached hereto.

The Parties have carefully read the foregoing Agreement, know the contents thereof, and sign the same as their own free acts.

TOWN OF FAIRHAVEN

**NEW ENGLAND POLICE
BENEVOLENT ASSOCIATION,
LOCAL 64**

Charles K. Murphy, Sr., Chair

Scott Crow

Andrew Romano, Vice Chair

James M. J.

Natalie A. Mello, Clerk

NH

Keith Silvia, Member

C

Andrew B. Saunders, Member

Date: _____

Date: 2/17/20

Approved as to legal form:

Kate Feodoroff, Labor Counsel



Town of Fairhaven
Massachusetts
40 Center Street · Fairhaven, MA · 02719

MEMORANDUM

To: Select Board

From: Town Administrator Office

Date: 03/09/26

Re: Approval of a pledge of an ALL Alcohol License, pledge of collateral

Dear Board Members,

The purpose of this letter is to consider approval for a pledge of collateral for an ALL ALCOHOL BEVERAGE LICENSE for Bitter Wallace, INC. d/b/a The Bitter End to Bay Coast Bank.

Thank you for your consideration.

Sincerely,

Susan Rizzo



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION FOR AMENDMENT-Pledge of Collateral

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

For the following transactions (Check all that apply):

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



Town of Fairhaven
Massachusetts
40 Center Street · Fairhaven, MA · 02719
www.fairhaven-ma.gov

Select Board
Charles K. Murphy, Sr., Chairman
Andrew Romano, Vice Chairman
Natalie A. McNo, Clerk
Keith Silvia
Andrew B. Saunders

Town Administrator/
Keith R. Hickey

Tel: (508) 979-4023

MEMO

DATE: March 2, 2026
TO: Board of Selectmen
FROM: Keith R. Hickey, Town Administrator

RE: Amending the Town Office Hours

Attached please find the Side Letter or Agreement between the Town and AFSCME collective bargaining unit to modify their members working hours. The working hours would change allowing the Town Offices to open at 7:30 AM Monday thru Friday. Town Offices would remain open until 6:00 PM on Monday and would close at 11:30 AM on Friday.

The revised schedule would increase the number of hours the Town Hall is open to the public from 40 hours per week to 41.5. Additionally, the building will remain open until 6:00 PM on Monday to allow the public to transact business after normal business hours.

Town counsel has reviewed the agreement and, after clarification from the Town Administrator, does not object to the proposed language.

**SIDE LETTER OF AGREEMENT BY AND BETWEEN
TOWN OF FAIRHAVEN
AND
COUNCIL 93, AMERICAN FEDERATION OF STATE, COUNTY, AND
MUNICIPAL EMPLOYEES AFL-CIO, CLERICAL EMPLOYEES**

This **AGREEMENT** is entered into by and between the Town of Fairhaven ("Town"), and Council 93, American Federation of State, County, and Municipal Employees, AFL-CIO, Clerical Employees ("Union"), (collectively, the "Parties") on this 25th day of February 2026.

WHEREAS, the Union is the exclusive bargaining representative pursuant to G.L. c. 150E, for certain positions within the Town;

WHEREAS, the Town and the Union are parties to a collective bargaining agreement effective July 1, 2025, through June 30, 2028 ("CBA");

WHEREAS, the Parties have met to discuss an amendment to the hours of work set forth in the CBA and to implement a paperless electronic paystub system;

WHEREAS, the Parties desire to amend the hours of work set forth in the CBA and to implement a paperless electronic paystub system;

NOW, THEREFORE, in consideration of the extended terms contained herein, the parties agree to the following:

1. Article XI - Work Week; Shifts; Hours, Section 1 shall be amended as follows:

Section 1 – Regular working hours and normal work week for employees shall be based on present working hours for Public Works, Recreation Department, and Council on Aging. employees covered by this collective bargaining agreement, as follows:

Work Week: 40 hours per week-1/2 hour unpaid lunch period; 35 hours per week - 1 hour unpaid lunch period; 20 hours per week - no lunch period

40 HOUR EXAMPLE: M-F 8:00 A.M. - 4:30 P.M. with an unpaid lunch period from 12:00-12:30P.M

35 HOUR EXAMPLE: M-F 8:30 A.M. - 4:30 P.M. with an unpaid lunch period from 12:00-1:00P.M.

Lunch period to be determined by Town Administrator/Department Head.

JR
2/25/26
VH abn/ab

Effective March 22, 2026, the work schedules shown below shall apply to bargaining unit members who work at Town Hall.

Work Week: 40 hours per week-1/2-hour unpaid lunch:

<u>40 Hour work week</u>				
	Start Time	End Time	Unpaid Lunch	Total hours worked
Monday	7:30 AM	6:00 PM	½ hour	10.0
Tuesday	7:30 AM	4:30 PM	½ hour	8.5
Wednesday	7:30 AM	4:30 PM	½ hour	8.5
Thursday	7:30 AM	4:30 PM	½ hour	8.5
1/2 Day Fridays	7:00 AM	11:30 AM		<u>4.5</u>
				<u>40.0</u>

Work Week: 37.5 hours per week-1/2-hour unpaid lunch:

<u>37.5 Hour work week</u>				
	Start Time	End Time	Unpaid Lunch	Total hours worked
Monday	8:00 AM	6:00 PM	½ hour	9.5
Tuesday	8:00 AM	4:30 PM	½ hour	8.0
Wednesday	8:00 AM	4:30 PM	½ hour	8.0
Thursday	8:00 AM	4:30 PM	½ hour	8.0
Friday	7:30 AM	11:30AM		<u>4.0</u>
				<u>37.5</u>

Work Week: 35 hours per week-1-hour unpaid lunch:

<u>35 Hour work week</u>				
	Start Time	End Time	Unpaid Lunch	Total hours worked
Monday	8:00 AM	6:00 PM	1	9.0

JR
2/25/26
2026 2/25/26

Tuesday	8:00 AM	4:30 PM	1	7.5
Wednesday	8:00 AM	4:30 PM	1	7.5
Thursday	8:00 AM	4:30 PM	1	7.5
Friday	8:00 AM	11:30 AM		<u>3.5</u>
				<u>35.0</u>

Town Hall employees who use Sick, Vacation, Holiday, Compensation, Bereavement or Personal time will be charged for the hours they are scheduled to work. For example, a 40-hour employee who uses sick leave on a Monday will be charged 10 hours of sick leave; a 40-hour employee uses sick leave on a Tuesday will be charged 8.5 hours of sick leave; and a 40-hour employee who uses sick leave on a Friday will be charged 4.5 hours of sick leave.

For accrual purposes, "days", as referenced in Article XIV Vacation, Article XV Sick, and Article XVII Personal shall continue to be based on 1/5 of the employee's total hours worked. For example, one personal day for a 40-hour employee shall be equal to 8 hours; one personal day for a 37.5-hour employee shall be equal to 7.5 hours; and one personal day for a 35-hour employee shall be equal to 7 hours.

2. Article XXXIV – Wages shall be amended by inserting the following at the end of the article:

Electronic Paystubs: Upon approval of all Town unions, including unions representing School Department employees, the Union agrees to the implementation of electronic paystubs in place of paper paystubs, upon 30-day written notice to the Union.

3. The Parties agree that the provisions of this Agreement are a part of and incorporated into the Parties' CBA and shall be integrated into the Parties' next successor CBA. Alleged violations of this Agreement may be processed under the collective bargaining agreement's grievance and arbitration procedure.
4. All other provisions of the existing CBA, not contrary to these terms, shall apply.
5. Parties have carefully read the foregoing Agreement, know the contents thereof, and sign the same as their own free acts.
6. This Agreement is subject to the approval of the Union and the Fairhaven Select Board.

WHEREFORE, in Witness Whereof, the Parties have executed this Agreement this 25th

JR
2/25/26
KH 2/26/26

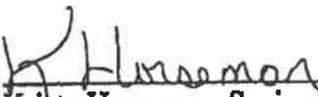
day of February 2026.

COUNCIL 93, AMERICAN FEDERATION
OF STATE, COUNTY, AND MUNICIPAL
EMPLOYEES AFL-CIO, CLERICAL
EMPLOYEES:



John Roberts, Staff Representative

Date: 2-25-26



Kristy Horseman, Senior Steward

Date: 2/27/26

TOWN OF FAIRHAVEN:

Keith Hickey, Town Administrator

Date: _____

APPROVED AS TO FORM:



Jane Medeiros Friedman, Labor Counsel

Date: 3/2/26



Monday, March 9, 2026

TOWN ADMINISTRATOR REPORT



Monday, March 9, 2026

MINUTES

1. Accept the Select Board Open Session minutes of February 22 and 23, 2026

**FAIRHAVEN SELECT BOARD***Emergency Meeting - remote***Meeting Minutes****February 22, 2026**

Present via zoom: Natalie A. Mello and Andrew Saunders and Keith R. Hickey

Present via telephone: Keith Silvia

Not Present: Charles Murphy Sr. and Andrew Romano

Mr. Hickey called the emergency Select Board meeting to order at 9:40am

Due to Winter Storm Hernando, the meeting was remote with participation via zoom or phone dial-in.

ACTION / DISCUSSION**Storm Update and Emergency Preparations****Consider Declaring a State of Emergency**

Chief Todd Correia addressed the Board about the weather conditions and provided an overview of the Massachusetts Emergency Management Agency (MEMA) predictions for Storm Hernando. The current forecast was for eighteen to twenty-four inches of heavy, wet snow (18-24") with the heaviest snowfall anticipated between 2:00am to 2:00pm on Monday at a rate of about two to four inches per hour (2-4"). Wind is anticipated to be strong at about fifty to sixty miles per hour.

MEMA is expecting power outages and trees to be down. Fairhaven Public Works is staffing up and the Town has engaged its Community Emergency Management Plan (CEMP). Residents should expect schools, businesses and Town Hall to be closed on Monday, February 23, 2026 with further announcements through reverse 911.

Chief Correia asked the Board to declare a State of Emergency in Fairhaven.

Motion: Ms. Mello motioned to declare a State of Emergency in Fairhaven and for Emergency Procurement needs. Mr. Saunders seconded. Roll Call Vote. Ms. Mello, Mr. Saunders and Mr. Silvia in favor. The motion passed unanimously (3-0-0).

Other Business

Mr. Hickey asked the Board to meet remotely on Monday, February 23, 2026 to address part of the posted agenda and will confirm in the late afternoon on Monday, February 23, 2026.

Mr. Silvia asked about closures for Tuesday based on the forecast. Mr. Hickey advised that conditions will be reviewed on Monday and announced.

Motion: Ms. Mello motioned to adjourn at 9:47am. Mr. Silvia seconded. Roll Call Vote. Ms. Mello, Mr. Saunders and Mr. Silvia in favor. The motion passed unanimously (3-0-0).

Meeting adjourned at 9:47am

Respectfully submitted on behalf of the Select Board Clerk (ah)

Accepted on __



FAIRHAVEN SELECT BOARD

Meeting Minutes

February 23, 2026 - remote

Present via zoom: Charles Murphy Sr., Natalie A. Mello and Anne Carreiro

Present via telephone: Keith Silvia

Not Present: Andrew Romano, Andrew Saunders and Keith R. Hickey

Mr. Murphy opened the Select Board meeting at 6:06pm

Due to Winter Storm Hernando, the meeting was remote with participation via zoom or phone dial-in.

Motion: Ms. Mello motioned to *table all agenda items except B1, D2 and the Town Administrator Report*. Mr. Silvia seconded. Roll Call Vote. Ms. Mello, Mr. Silvia and Mr. Murphy in favor. The motion passed unanimously (3-0-0).

APPOINTMENTS AND COMMUNITY ITEMS

Consider Appointment: Treasurer/Collector: Wendy Cochrane

Ms. Carreiro addressed the Board to introduce Wendy Cochrane for the position of Treasurer/Collector. Ms. Carreiro thanked the interview panel and advised that Ms. Cochrane's recommendation is unanimous from the panel. Ms. Cochrane appeared via zoom and thanked the Board for the opportunity and will attend the next meeting to meet the Board in person.

Motion: Ms. Mello motioned to appoint Wendy Cochrane as Treasurer/Collector. Mr. Silvia seconded. Roll Call Vote. Ms. Mello, Mr. Silvia and Mr. Murphy in favor. The motion passed unanimously (3-0-0).

ACTION / DISCUSSION

Call Local Town Election on Tuesday, June 9, 2026 and Sign Public Notice

Town Clerk Elisabeth Horan addressed the Board regarding setting the date for the 2026 Annual Town Election. Candidates can pull papers on Monday, March 2, 2026 at 8:30am; the memo lists the positions and term lengths (*Attachment A*).

Motion: Ms. Mello motioned to set the date and call the next Annual Town Election to be held on Tuesday, June 9, 2026 with the positions and term lengths as presented in the Town Clerk's memo. Mr. Silvia seconded. Roll Call Vote. Ms. Mello, Mr. Silvia and Mr. Murphy in favor. The motion passed unanimously (3-0-0).

TOWN ADMINISTRATOR REPORT

Ms. Hart advised the Board that the Town's Community Emergency Response Plan Incident Command Team (CEMP) met and will continue to meet to review storm coordination efforts and alerts for the public. Fire Chief Todd Correia addressed the Board with a recap of the storm conditions: thirty-plus (30+) inches of snowfall, approximately thirty percent (30%) of the Town is without power, additional heavy equipment and salt have been requested from Massachusetts Emergency Management Agency (MEMA), Eversource is addressing power outages across Town in coordination with Public Works and, due to safety concerns, there was a time where plowing and recovery efforts were at a standstill.

Chief Correia anticipates about three days to return to normal, in the next 24-48 hours crews will be clearing the main roads and then move to clearing the side streets. The Town will use the reverse 911 system to send alerts out. He reminded everyone about the Governor's travel ban and asked for residents to clear hydrants and check on elderly neighbors. There is a temporary shelter at the Fire Station which will be transitioned to the Middle School.

The Town Administrator has closed Town offices for Tuesday; School has been cancelled for Tuesday and Wednesday. Trash pick-up is delayed two days and will be reevaluated as conditions change; any further delays will be communicated. Chief Correia reminded everyone to check generators for a clear output due to potential for

carbon monoxide; check and clear storm drains and watch out for plows.

He also asked for patience as storm recovery efforts are underway and he asked people to stay off the roads so crews can work. The Board thanked those in public safety and public works that are working to get the Town back on track and the CEMP team for the continued updates.

Motion: Ms. Mello motioned to adjourn at 6:22pm. Mr. Silvia seconded. Roll Call Vote. Ms. Mello, Mr. Silvia and Mr. Murphy in favor. The motion passed unanimously (3-0-0).

Meeting adjourned at 6:22pm

ATTACHMENTS

A. Town Clerk's Office Memo: 2026 Annual Town Election

Respectfully submitted on behalf of the Select Board Clerk (ah)

Accepted on ___



Monday, March 9, 2026

CORRESPONDENCE

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

Weekly -Town of Fairhaven Podcast

1 message

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
2026MAR413:5413:54

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.

Respectfully,

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