

New submission from Selectboard Contact

1 message

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Sat, Oct 17, 2026 at 12:42 PM

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Who Are You Looking to Contact?

Selectboard

Questions, Comments, Concerns

Good afternoon Chair Romano:

The purpose of my inquiry is to ensure that the procedural process is being followed correctly and legally not just for me but for future people who wish to apply to a town body.

I am asking that this item of working groups and ad hocs status be of further discussion of by-law Subsection 56-14 (article 28) be put on your next agenda for legal clarification for myself and the public regarding the meeting of October 14,2026 in discussion of appointments and its relation to Subsection 56-14 (article 28) if temporary working group and ad hocs are legally considered applicable under subsection 56-14. (article 28)

I ask that my below letter regarding my request be added into the agenda for discussion and resolution.

Thank you

Doug Brady
October 15, 2026

The Fairhaven Select Board
40 Center Street
Fairhaven, MA 02719

Subject: Clarification of Subsection 56-14 (Article 28) Regarding Temporary Working Groups

Dear Members of the Select Board,

I am writing to formally request clarification and to establish for the record the operational scope of the newly enacted Subsection 56-14 (Service by Appointed Officials), specifically regarding its application to temporary, ad hoc working groups.

As a dedicated town volunteer currently serving on one commission, one committee, and one working group, I fully support the Town Meeting's intent to broaden civic participation.

However, a strict and proper legal reading of Subsection 56-14 indicates that temporary working groups are fundamentally distinct from the bodies restricted by this bylaw.

1. Strict Construction and Reading of the Bylaw Text

Under well-established principles of municipal law, bylaws must be interpreted according to their express language. Subsection 56-14 explicitly limits concurrent service to a maximum of two "boards, committees, or commissions." It deliberately omits terms such as "working groups," "task forces," or "ad hoc bodies." Under the standard legal principle of *expressio unius est exclusio alterius*, the omission of these terms supports the interpretation that temporary administrative groups are exempt from the two-seat restriction. Such groups cannot automatically be assumed to fall within the bylaw's scope when they are not explicitly included in its language.

2. Compliance with Open Meeting Law Does Not Alter Status

At the Select Board meeting on October 14, 2026, it was noted that the Atlas Tack Working Group diligently adheres to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18–25) by posting meeting notices and agendas and recording minutes. While these actions may be legally required for a multi-member body created by an appointing authority to advise on public business, compliance with transparency laws does not, by itself, transform a temporary group into a permanent or statutory town committee. Open Meeting Law compliance dictates how a group operates, not necessarily how the group is legally classified.

3. Precedent of Established Ad Hoc Advisory Committees

The Town of Fairhaven already maintains a clear operational distinction between permanent structural bodies and temporary advisory ones. For example, the Rogers Re-Use Committee is explicitly chartered by the Select Board as an "ad hoc advisory committee" intended to exist only until its specific mission is completed, at which point it will disband.

Classifying a temporary working group as a permanent "committee" under Subsection 56-14 could conflict with how the Town already categorizes temporary, non-statutory bodies, such as the Rogers School Re-Use Committee.

4. Temporary vs. Permanent Structural Footprint

The bodies regulated by Subsection 56-14 are understood to be permanent, standing entities, some of which have statutory authority established by the Town's bylaws or charter. Conversely, a working group is a temporary, non-statutory advisory body created by the Select Board to evaluate a specific, localized issue and disband once its task is complete.

Counting temporary advisory service against a volunteer's limit on concurrent appointments would establish an unsustainable precedent, severely limiting the Town's ability to recruit experienced residents for short-term, focused task forces and other advisory initiatives.

Moving Forward

To ensure compliance with the bylaw as it applies to my volunteer service, I respectfully request that the Select Board formally recognize that temporary advisory working groups do not count toward the concurrent service limit defined in Subsection 56-14.

If the Board disagrees with this interpretation and intends to include working groups within the scope of Article 28, I respectfully request a formal, written response detailing the specific legal basis for interpreting the bylaw to include a category of organization not explicitly listed in the language approved by Town Meeting.

Specifically, please identify the statutory or legal framework that permits a temporary, non-statutory advisory group to be classified as a board, committee, or commission subject to the restrictions imposed by this subsection.

Pending a formal determination and clarification of the matter discussed during our October 14, 2026, meeting, I will defer my decision until the legal interpretation has been established. In the interim, and in good faith, I will refrain from participating in committee activities until further clarification is provided.

I look forward to a timely response to my inquiry.

Thank you for your time, consideration, and continued leadership.

Sincerely,
Douglas Brady
Pleasant Street