

## THE COMMONWEALTH OF MASSACHUSETTS

*In the Year One Thousand Nine Hundred and Ninety-five*

## AN ACT PROVIDING FOR A TOWN MANAGER IN THE TOWN OF DALTON.

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

SECTION 1. Upon the effective date of this act, as hereinafter provided, the town of Dalton shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing General Laws or special acts, or by the by-laws of the town of Dalton, this act will govern.

SECTION 2. As used in this act, the words "select board" shall be synonymous with the term "board of selectmen" as used in the General Laws and in the town of Dalton by-laws.

SECTION 3. Upon the effective date of this act, the registered voters of the town of Dalton shall, in accordance with any applicable laws, by-laws, votes of the town, or interlocal agreement continue to elect the following:

- A) Select Board
- B) Town Clerk
- C) Town Moderator
- D) Finance Committee
- E) Planning Board
- F) School Committee
- G) Library Trustees
- H) Cemetery Trustees
- I) Housing Authority

Every other elective office, board, committee, or commission of the town of Dalton shall become appointive as hereinbefore provided, any provision of law contrary notwithstanding. The term of any person elected to any office, board, committee, or commission existing as an elected office at the time of the acceptance of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, or

a precedent vacating of office and until the appointment and qualification of his successor.

SECTION 4. The select board shall consist of three persons elected by the voters of the town. The term of each select board member shall not exceed three years. The select board will be required to annually elect a chairperson from among its members.

The select board of the town of Dalton will serve as the goal setting, long-range planning, and policy making body of the town, recommending major courses of action to the annual town meeting, and adopting policy directives and guidelines which are to be implemented by the town manager and other officers, boards, committees, commissions, and employees of the town.

Said board shall have the power to enact rules and regulations to implement policies and to issue interpretations of said rules and regulations.

Said board shall exercise, through the town manager, general supervision over all matters affecting the interests or welfare of the town.

All recommendations for appointments and removals by the town manager shall be subject to ratification by the select board which shall act upon each appointment and or removal. Failure of the board to act within a specific period of time, not to exceed thirty days shall constitute assent.

SECTION 5. The select board, by a majority vote of its full membership, shall appoint a town manager who shall be a professionally qualified person especially fitted by education, training, and previous full-time experience to perform the duties of the office. He shall be a citizen of the United States and, although he need not be a resident of the town or commonwealth when appointed, shall become a resident of the town within one year after appointment.

The educational qualifications shall consist of at least a bachelor's degree, preferably in public administration, granted by accredited degree granting college or university. The professional experience shall include at least five years of prior full-time, compensated executive service in public or business administration. Alternatively, two or more years professional experience and a masters degree in an appropriate discipline shall qualify any applicant.

The select board shall, within thirty days of the effective date of this act, appoint a five member screening committee to assist the board by screening all applicants for the position of town manager and by submitting to the

board a list of at least three qualified applicants to be interviewed by the select board. From this group of candidates, the select board shall appoint a town manager. The screening committee's duties shall be terminated upon the town managers' appointment.

The town manager may be appointed for successive terms of office, no term of which shall be more than three years. Before entering upon the duties of his office, he shall be sworn, in the presence of a majority of the select board, to the faithful and impartial performance thereof by the town clerk or a notary public.

He shall execute a bond in favor of the town of Dalton for the faithful performance of his duties in such sums and with such sureties as may be fixed and approved by the select board, the cost for which will be borne by the town.

No person holding elective or appointive office in the town shall within three years of holding such office be eligible to be appointed to the position of town manager.

SECTION 6. The town manager shall be the chief administrative officer of the town and shall be responsible to the select board for administering and coordinating all employees, activities and departments placed by General Laws, or by-laws under the control of the select board.

The town manager shall devote his full working time to the duties of the office; and shall not engage in any business activity during his term, except with the written consent of the select board.

THE TOWN MANAGER SHALL

A) Attend all meetings of the select board, except when excused, and shall have the right to speak but not vote.

B) Administer, either directly or through a person or persons appointed by him in accordance with this act, all provisions of General Laws and special acts applicable to the town, all town by-laws, and all regulations established by the select board.

C) Assemble, prepare and present to the select board all annual operating and capital budgets of the town and be responsible for the development and annual revision of the capital improvements program.

D) Be responsible for seeing that the budget is administered as adopted by the town meeting and in accordance with the General Laws, this act and by-laws.

E) Keep the select board fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic reports to the select board.

F) Keep the select board informed regarding the availability of federal and state funds and how such funds might relate to unmet long-range needs.

G) Prepare applications for all town grants.

H) Be responsible for the day-to-day administration of the town's personnel system.

I) Negotiate collective bargaining contracts unless the select board designates another negotiator.

J) Be responsible for the purchasing for all town functions and departments.

K) Make recommendations to the select board regarding vacancies in town offices and boards to be filled by the select board.

L) Coordinate the activities of any board, commission, and committee, concerned with long-range municipal planning, including the physical, economic, and environmental development of the town.

M) Develop, keep and annually update a full and complete inventory of all property of the town, both real and personal.

N) Distribute, or cause to be distributed, copies of the warrant for the annual town meeting to the residences of all registered voters of the town.

O) Have the authority to sign payroll and accounts payable warrants concerning the everyday operation of the town.

P) Upon request and with the approval of the select board, prosecute, defend, or compromise all litigation to which the town is party.

Q) Perform such other duties as may be required by this act, by-law, or vote of the select board.

The town may by by-law, from time-to-time, establish such additional duties as necessary or appropriate, consistent with this act.

SECTION 7. The town manager shall receive such compensation for services as the select board shall determine, but such compensation shall not exceed the amount appropriated therefore by the town.

SECTION 8. The select board, by a unanimous vote may remove the town manager. At least thirty days before such removal shall be effective, the select board shall file a preliminary written resolution with the town clerk setting

forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the town manager.

The town manager may reply in writing to the resolution and may request a public hearing. If the town manager so requests, the select board shall hold a public hearing not earlier than fourteen days nor later than thirty days after the filing of such request. Following such public hearing or, if none, at the expiration of thirty days following the filing of the preliminary resolution, the select board may adopt a final resolution of removal. As part of the preliminary resolution, the select board may suspend the town manager from duty, but in any case his salary shall be continued to be paid during the period of the preliminary resolution and until the final resolution.

SECTION 9. The select board shall designate a qualified person to serve as acting town manager and to perform the duties of the office during any period of vacancy exceeding thirty days, caused by the manager's absence, illness, suspension, removal or resignation.

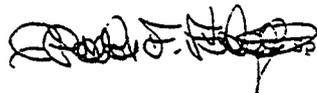
In the event of the resignation or removal of the town manager, the select board shall appoint a new screening committee in accordance with section five to assist the board in the hiring of a new manager.

SECTION 10. During the town's audit by an independent accounting firm, auditors shall be required to reconcile all departmental books and records with central accounting books and records maintained by the town accountant, treasurer, and collector.

SECTION 11. This act shall take effect upon its passage.

House of Representatives, September 21, 1995.

Passed to be enacted, ---

 Speaker.

In Senate, September 21, 1995.

Passed to be enacted, ---

 , President.

29 September, 1995.

Approved,

at four o'clock and 30 minutes. P. M.

W. W. W. Weld  
Governor.