

**SENATE . . . . . No. 1297**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ryan C. Fattman*

*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 authorizing the town of Wales to establish a department of public works.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Ryan C. Fattman</i>	<i>Worcester and Hampden</i>	
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>4/10/2023</i>

**SENATE . . . . . No. 1297**

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1297) of Ryan C. Fattman (by vote of town) for legislation to establish a department of public works in the town of Wales. Municipalities and Regional Government. [Local approval received]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2441 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act authorizing the town of Wales to establish a department of public works.

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

1           SECTION 1. Notwithstanding any general or specific law, rule or regulation to the  
2           contrary, there shall be a department of public works in the Town of Wales. The select board  
3           shall appoint a department of public works director, to serve at its discretion, and may remove  
4           the director after opportunity for a hearing. The director shall have all the powers, perform the  
5           duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by  
6           law on town road commissioners. Additionally, the department shall exercise the powers and  
7           duties of public works operations of the town not assigned to other departments of the town. The  
8           Board of Selectmen may establish an employment contract, subject to annual appropriation, with  
9           the director for salary, fringe benefits and other conditions of employment, including, but not  
10          limited to, severance pay, reimbursement for expenses incurred in the performance of the duties

11 of office, liability insurance and conditions of discipline, termination, dismissal, reappointment,  
12 performance standards and leave.

13 SECTION 2. The department of public works established by section 1 of this act may, by  
14 bylaw, be granted additional operational powers and duties; provided, however, that all policy  
15 making functions assigned to a particular officer or board by statute shall remain the  
16 responsibility of such officer or board. Such operational powers and duties could include, but not  
17 be limited to: park and recreation construction and maintenance; tree and moth; building and  
18 grounds maintenance at municipal buildings, excluding the school department; other related  
19 construction and operations assigned from time to time by bylaw as the town meeting considers  
20 necessary or desirable.

21 SECTION 3. Upon the effective date of this act, the elected office of road commissioner  
22 shall be abolished and the term of the incumbent of such office terminated. Notwithstanding the  
23 foregoing, the elected incumbent holding the office of road commissioner on the effective date of  
24 this act shall serve as the first appointed road commissioner and perform the duties of such office  
25 until the expiration of the term for which the Town road commissioner was elected or sooner  
26 vacates the office and until a director is appointed by the Board of Selectmen in accordance with  
27 section 1 of this act.

28 SECTION 4. No contracts or liabilities in force on the effective date of this act shall be  
29 affected by the abolition of the elected office of road commissioner or the creation of the  
30 appointed office of department of public works director who shall be the lawful successor of the  
31 office so abolished. All records, property and equipment of the offices of the elected road

32 commissioner shall, by operation of law, be assigned to the office of the appointed department of  
33 public works director as of the effective date of this act.

34 SECTION 5. This act shall take effect upon its passage.