

HOUSE No. 4243

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 15, 2018.

The committee on Bills in the Third Reading, to whom was referred Bill amending the charter of the town of Chelmsford relative to ministerial and grammatical non-substantive changes (House, No. 4124), and the Bill amending the charter of the town of Chelmsford relative to town manager, administrative powers and duties (House, No. 4071), reports recommending that the bills be consolidated and amended by substitution of the accompanying bill (House, No. 4243), and that when so amended the same will be correctly drawn.

For the committee,

THEODORE C. SPELIOTIS.

HOUSE No. 4243

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act amending the charter of the town of Chelmsford.

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. Section 1-2 of the charter of the town of Chelmsford, which is on file in the
2 office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the
3 General Laws, is hereby amended by striking out the words “Chelmsford Home Rule Charter”
4 and inserting in place thereof the following words:- “Chelmsford Home Rule Charter”.

5 SECTION 2. Subsection (a) of section 2-5 of said charter is hereby amended by inserting
6 after the word “clerk;” the following words:- absent a date certain,.

7 SECTION 3. Said subsection (a) of said section 2-5 of said charter is hereby further
8 amended by striking out the words “unless a date certain is specified therein when it shall take
9 effect”.

10 SECTION 4. Subsection (b) of said section 2-5 of said charter is hereby amended by
11 striking out the word “Removal” and inserting in place thereof the following word:- Moving.

12 SECTION 5. Said subsection (b) of said section 2-5 of said charter is hereby further
13 amended by striking out the word “removes”, each time it appears, and inserting in place thereof,
14 in each instance, the following word:- moves.

15 SECTION 6. Said subsection (b) of said section 2-5 of said charter is hereby further
16 amended by striking out the word “removed”, the last time it appears, and inserting in place
17 thereof the following word:- moved.

18 SECTION 7. Subsection (c) of section 2-12 of said charter is hereby amended by striking
19 out the words “keep abreast” and inserting in place thereof the following words:- stay informed.

20 SECTION 8. Said subsection (c) of said section 2-12 of said charter is hereby further
21 amended by striking out the word “forwarded” and inserting in place thereof the following
22 words:- made available.

23 SECTION 9. Said subsection (c) of said section 2-12 of said charter is hereby further
24 amended by inserting after the word “attend”, each time it appears, the following words, in each
25 instance:- or view.

26 SECTION 10. Subsection (d) of said section 2-12 of said charter is hereby amended by
27 striking out the words “by vote or bylaw”, and inserting in place thereof the following words:- ,
28 by vote or bylaw,.

29 SECTION 11. Said subsection (d) of said section 2-12 of said charter is hereby further
30 amended, in Editor’s Note 1, by striking out the words “c. 39, § 23B” and inserting in place
31 thereof the following words:- c. 30A, §§ 18-25.

32 SECTION 12. Subsection (a) of section 3-1 is hereby amended by striking out the words
33 “a sewer commission, a constable”.

34 SECTION 13. Said subsection (a) of said section 3-1 of said charter is hereby amended
35 by adding the following words:- See Charter Section 8-5(b) regarding the dissolution of the
36 Sewer Commission.

37 SECTION 14. Said subsection (a) of said section 3-1 of said charter is hereby further
38 amended by striking out Editor’s Note 1.

39 SECTION 15. Subsection (b) of section 3-9 of said charter is hereby amended by adding
40 the following words:- See Charter Section 8-5(b) regarding the dissolution of the Sewer
41 Commission.

42 SECTION 16. Said section 3-9 of said charter is hereby further amended by striking out
43 Editor’s Note 1.

44 SECTION 17. Said charter is hereby amended by striking out section 4-3 and inserting in
45 place thereof the following section:-

46 Section 4-3. Supervisory, Administrative Powers and Duties

47 The town manager shall be the chief administrative officer of the town and shall be
48 responsible to the board of selectmen for the proper operation of town affairs for which the town
49 manager is given responsibility under this charter. The powers, duties and responsibilities of the
50 town manager shall include, but are not intended to be limited to, the following:

51 Supervisory

52 (a) to supervise, direct and be responsible for the efficient administration of all officers
53 appointed by the town manager and their respective departments and of all functions for which
54 the town manager is given responsibility, authority or control by this charter, by bylaw, by town
55 meeting vote, or by vote of the board of selectmen.

56 (b) to coordinate all activities of town departments under the direction of the town
57 manager and board of selectmen with the activities of departments under the control of officers,
58 boards or commissions elected directly by the voters of the town.

59 (c) to delegate, authorize or direct any subordinate or employee of the town to exercise
60 any power, duty or responsibility which the office of town manager is authorized to exercise,
61 provided, that all acts that are performed under such delegation shall be deemed to be the acts of
62 the town manager.

63 Administrative Powers

64 (d) to administer either directly or through a person or persons supervised by the town
65 manager, in accordance with this charter, all provisions of general or special laws applicable to
66 the town, all bylaws, and all policies established by the board of selectmen.

67 (e) to administer, in cooperation with the personnel board, if any, personnel policies,
68 practices, or rules and regulations, any compensation plan and any related matters for all
69 municipal employees and administer all collective bargaining agreements, except for school
70 department agreements, entered into by the town.

71 (f) to be responsible for the negotiation of all contracts with town employees over wages,
72 and other terms and conditions of employment, except employees of the school department. The

73 town manager may, subject to the approval of the board of selectmen, employ special counsel to
74 assist in the performance of these duties. Contracts shall be subject to the approval of the board
75 of selectmen.

76 (g) to develop and maintain a full and complete inventory of all town owned real and
77 personal property.

78 (h) to fix the compensation of all town employees and officers appointed by the town
79 manager within the limits established by appropriation and any applicable compensation plan.

80 (i) to prepare and submit an annual operating budget and capital improvement program
81 as provided in Part VI.

82 (j) to investigate or inquire into the affairs of any town departments or office under the
83 supervision of the town manager or the job-related conduct of any officer or employee thereof.

84 Administrative Duties

85 (k) to attend all regular and special meetings of the board of selectmen, unless excused
86 by the board of selectmen.

87 (l) to attend all sessions of the town meeting and answer all questions addressed to the
88 town manager which are related to the warrant articles and matters under the general supervision
89 of the town manager.

90 (m) to keep the board of selectmen fully informed as to the needs of the town, and
91 recommend to the selectmen for adoption such measures requiring action by them or by the town
92 as the town manager deems necessary or expedient.

93 (n) to keep the board of selectmen and the finance committee fully informed as to the
94 financial condition of the town and make recommendations to the board of selectmen and other
95 elected and appointed officials as the town manager deems necessary or expedient.

96 (o) to insure that complete and full records of the financial and administrative activity of
97 the town are maintained and render reports to the board of selectmen as may be required.

98 (p) to be responsible for the maintenance and repair of all town facilities, and, except for
99 the custodial services in the school facilities. The Town Manager shall be responsible for the
100 rental of all town facilities.

101 [Amended 10-16-2006 ATM by Art. 36, ratified 4-3-2007]

102 (q) to be responsible for the purchase of all supplies, materials and equipment, except
103 books and other educational materials for schools and books and other media materials for
104 libraries, and approve the award of all contracts for all town departments with the exception of
105 the school department, subject to the approval of the board of selectmen.

106 (r) to perform such other duties as necessary or as may be assigned by this charter, by
107 bylaw, by town meeting vote, or by vote of the board of selectmen.”

108 SECTION 18. Said charter is hereby further amended by striking out sections 4-5 and 4-6
109 and inserting in place thereof the following 2 sections:-

110 Section 4-5 Temporary Absence

111 The Town Manager shall provide annually to the Board of Selectmen a list of qualified
112 officers of the town and may designate by letter filed with the Board of Selectmen and Town
113 Clerk a qualified officer of the town from the list to perform the duties of the Town Manager

114 during a temporary absence or disability. If such temporary absence or disability shall exceed
115 fourteen days, any designation made by the Town Manager shall be subject to the approval of the
116 Board of Selectmen. In the event of failure of the town manager to make such designation or if
117 the person so designated is for any reason unable to serve, or is deemed not qualified by the
118 Board of Selectmen, the Board of Selectmen may designate some other qualified person from the
119 list to perform the duties of the Town Manager until the Town Manager shall return.

120 Section 4-6 Vacancy in Office

121 Any vacancy in the office of town manager shall be filled as soon as possible by the
122 board of selectmen. Pending appointment of the town manager or the filling of any vacancy, the
123 board of selectmen shall forthwith appoint some other qualified person to perform the duties of
124 the town manager. The appointment of the acting town manager shall be for a term not to exceed
125 six months, provided however, a renewal, not to exceed an additional six months may be
126 provided.

127 SECTION 19. Section 5-2 of said charter is hereby amended by inserting after the word
128 “engineering” the following word:- , sewer.

129 SECTION 20. Said section 5-2 of said charter is hereby further amended by striking out
130 the last sentence.

131 SECTION 21. Section 6-1 of said charter is hereby amended by inserting after the word
132 “confer” the following words:- as necessary.

133 SECTION 22. Section 6-3 of said charter is hereby amended by striking out the words
134 “file a” and inserting in place thereof the following words:- submit the.

135 SECTION 23. Section 6-7 of said charter is hereby amended by adding inserting after the
136 word “offices” the following words:- ;provided, however, that any certified public accountant or
137 firm of accountants that conducts said audit for 3 consecutive years shall refrain from doing so
138 for a minimum of 1 year before becoming eligible to conduct any future audits.

139 SECTION 24. Section 7-4 of said charter is hereby amended by adding the following
140 definition:-

141 (g) Officer: The word “officer” shall mean a position or board: (1) whose duties are
142 public in nature; (2) that has entrusted to it some portion of the sovereign authority of the state;
143 (3) whose duties are not merely clerical, but involve the exercise of power and authority
144 bestowed by the law; (4) that holds a position established by law.