

SENATE No. 2365

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 Department of Public Works in the town of Carver.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Marc R. Pacheco

First Plymouth and Bristol

Susan Williams Gifford

2nd Plymouth

SENATE No. 2365

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2365) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation relative to the Department of Public Works in the town of Carver. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the Department of Public Works in the town of Carver.

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

1 An Act Relative to the Department of Public Works in the town of Carver

2 SECTION 1. Chapter 585 of the acts of 1971 is hereby repealed.

3 SECTION 2. For the purposes of this act, the term “board of public works” shall mean
4 the board authorized under chapter 585 of the acts of 1971.

5 There shall be in the town of Carver a department of public works, which shall have all
6 the powers and duties that were vested in the board of public works and shall have all the powers
7 and duties that are vested by the general laws, town bylaws or special act in the following
8 boards, departments and offices or in boards, departments and offices having corresponding
9 powers and duties in the town of Carver: park commissioners, cemetery commissions, tree
10 warden, highway surveyor and superintendent of shade tree management and pest control. The
11 department shall be responsible for such other matters as determined by the town administrator,
12 with the approval of the board of selectmen; provided, that said other matters may include but
13 shall not be limited to facilities maintenance, wastewater and storm water treatment and disposal,
14 refuse removal and recycling.

15 SECTION 3. The department may consist of 1 or more divisions, including but not
16 limited to, a: park division, cemetery division, street division and tree and moth division;
17 provided, that the department may be organized in such other manner as determined by the town
18 administrator, with the approval of the board of selectmen.

19 SECTION 4. The department shall be supervised by a director. The town administrator
20 shall appoint the director; provided, that said appointment shall be subject to the bylaws, as
21 amended from time to time, which provide for the appointment of officers of the town by the
22 town administrator. The town administrator, with the approval of the board of selectmen, may
23 establish an employment contract with the director for salary, fringe benefits and other
24 conditions of employment, including, but not limited to, severance pay, reimbursement for
25 expenses incurred in the performance of the duties of office, liability insurance and conditions of
26 discipline, termination, dismissal, reappointment, performance standards and leave.

27 SECTION 5. The director shall exercise and perform, under the direction and supervision
28 of the town administrator, all of the powers, rights and duties to be exercised by the department
29 under section 2; subject, however, to any policy directives issued by the board of selectmen. The
30 director shall be responsible for the efficient exercise and performance of such powers, rights
31 and duties and shall hold office subject to the will of the town administrator, in consultation with
32 the board of selectmen. The director shall hold no other elective or appointive office in the town
33 of Carver and shall not be engaged in any other business or occupation. The director shall
34 provide the town a bond, with a surety company authorized to transact business in the
35 commonwealth, as surety for the faithful performance of the director's duties, in such sum and
36 upon such conditions as the town administrator shall require. The director shall report to the
37 town administrator as to the doings of the office at such times as the administrator may require.

38 SECTION 6. No contracts or liabilities in force upon the effective date of this act shall
39 be affected by the repeal of chapter 585 of the acts of 1971, and the department of public works
40 and the director of public works created hereunder shall in all respects be the lawful successor of
41 the offices and departments that were abolished by the repeal of said chapter 585. All records,
42 property and equipment of any office, department or part thereof assigned under said chapter 585
43 shall by operation of law be assigned to the department of public works and the director of public
44 works.

45 SECTION 7. Upon the effective date of this act, the offices of the board of public works
46 and the superintendent of public works, created by chapter 585 of the acts of 1971, are hereby
47 abolished. The incumbent members of the board of public works, who hold office as of the
48 effective date of this act, shall constitute an advisory committee to the town administrator and
49 director of public works and may have a voice but no vote on the matters falling within the
50 jurisdiction of the department. The members of said advisory committee may serve for a period
51 equivalent to the remainder of their elected board term or their sooner vacating of the position.
52 The incumbent appointed superintendent of public works, as of the effective date of this act,
53 shall serve as a temporary director of public works until such time as a permanent appointment is
54 made under section 4.

55 SECTION 8. This act shall take effect upon its passage.