

HOUSE No. 1913

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to establish a department of public works in the town of Hadley..

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

1 SECTION1. There shall be established in the town of Hadley a department of public
2 works under the jurisdiction of the board of selectmen. The department of public works shall
3 have charge and responsibility for the management of all public works operations of the town
4 including, but not limited to the following: highway, water, sewer, solid waste, engineering
5 services, building maintenance of all town buildings (except those under the jurisdiction of the
6 school department), cemetery, and other operations as may be deemed necessary or desirable.
7 The board of selectmen shall have the power to make all policy decisions related to the
8 operations of public works within the town of Hadley. All references herein to the “board” shall
9 refer to the board of selectmen.

10 In addition, the board of selectmen shall be responsible for the repair, alteration, and
11 maintenance of all town-owned equipment, property, and vehicles under the jurisdiction of the
12 board of selectmen, and those formerly under the board of selectmen acting as water
13 commissioners and water department, sewer commissioners and sewer department and cemetery
14 committee and cemetery department; for the central purchasing of all public works related

15 supplies, materials and equipment; and for awarding of all contracts for the repair, alterations,
16 remodeling, construction, reconstruction, maintenance or renovation of all town public ways,
17 sewer lines, water lines, grounds, properties, facilities and equipment, except those under the
18 jurisdiction of the school department.

19 In addition, the board of selectmen shall appoint and may suspend, discipline or remove
20 the director of public works, division heads, assistants, laborers and employees.

21 Upon the effective date of this act, the board of selectmen shall have all the powers and
22 duties now or from time to time vested by general law or special act in the following boards,
23 departments and offices, or in boards, departments and offices having corresponding powers and
24 duties in said town, to wit: -- road commissioners, surveyors of highways, superintendent streets,
25 water commissioners, sewer commissioners, municipal light board or commissioners, cemetery
26 commissioners, tree warden, moth superintendent and forestry department, and such boards,
27 departments and offices shall thereupon be abolished and the terms of any incumbent members
28 of any such board terminated. No contracts or liabilities then in force shall be affected by such
29 abolition, but the board shall in all respects be the lawful successor of the boards, departments,
30 and offices so abolished.

31 SECTION 2. The board of selectmen shall appoint the director of public works. Pending
32 the appointment of the director, said board may appoint an acting director. The compensation of
33 the director or acting director shall be fixed by said board, subject to appropriations therefore.

34 The board of selectmen shall initiate a recruitment and selection process for the position
35 of director of public works, who shall be responsible to said board. The board of selectmen shall
36 appoint a screening committee charged with recommending the appointment of the first director

37 of public works for the town. The committee shall establish detailed qualifications for the
38 position of director of public works and seek candidates for the position through advertisements
39 in professional journals and other recruitment sources. The director of the department of public
40 works shall be especially fitted by education, training and experience to perform the duties of the
41 office; the director shall have such other qualifications as the board of selectmen may from time
42 to time provide. The director need not be a resident of the town. The director shall be a college
43 graduate with an appropriate four year engineering degree. Within a reasonable period of time
44 after its appointment, the committee shall report to the board and recommend candidates for
45 consideration.

46 No member of the board of selectmen shall be eligible for appointment as director of
47 public works. While employed by the Town of Hadley, the director of public works shall hold no
48 other elective or appointive office nor engage in any other business or occupation, provided,
49 however, the director of public works shall serve as the tree warden. The board may waive this
50 restriction by prior written authorization.

51 SECTION 3. The director of public works shall supervise and direct the operations of the
52 department of public works. The director shall have full authority to carry out the policies of the
53 board of selectmen, and shall be responsible for the efficient exercise and performance of the
54 powers, rights, and duties vested in said board by this act.

55 Such director shall, unless the selectmen deem it unnecessary or impractical by reason of
56 cost or otherwise, give the town a bond with a surety company authorized to transact business in
57 the commonwealth as surety for the faithful performance of the director's duties in such sum and
58 upon such conditions as the board of selectmen may require.

59 The director shall serve at the pleasure of the board of selectmen. The selectmen on
60 behalf of the town, may, but need not, enter into an employment contact with any such director,
61 the terms and conditions of which including length not necessarily limited to one calendar or
62 fiscal year shall be determined by the board of selectmen in its sole discretion.

63 The director shall keep full and complete records of the doings of the office and render to
64 the board of selectmen regular and full reports of all operations under the director's control
65 during the period reported upon; and annually shall prepare a synopsis of such reports for
66 publication in the town report. The director shall keep said board fully advised as to the needs of
67 the town within the scope of the director's duties, and shall annually furnish to said board not
68 later than the last day of January of each year detailed estimates in writing of the appropriation
69 required during the next ensuing fiscal year for the proper exercise and performance of all said
70 powers, rights and duties; and shall annually furnish to said board not later than the first day of
71 December of each year detailed estimates in writing of the capital budget needs for the next five
72 years. Each budget request shall be in such detail and such format as may be required by said
73 board and shall, unless the board of selection directs otherwise, be in such details and in such
74 format as may be suggested by the finance committee.

75 SECTION 4. No person in the permanent full-time employment of the town as of the
76 effective date of this act in any of the boards, positions, or departments abolished or consolidated
77 hereunder shall forfeit pay grade or time in service by virtue of this enactment. Each such person
78 shall be retained in a capacity as similar to the person's former capacity as is practical. No
79 contracts or liabilities in force as of the effective date of this act shall be affected by this act, but
80 the board shall be deemed the lawful successor of the aforesaid departments, commissions, board
81 and offices relative to such contracts or liabilities. It shall be the duty of the aforesaid

82 departments, commissions, and office to turn over to the board of selectmen property and
83 records, including all contracts, papers, documents, permits, plans and property in their control
84 and custody and each shall furnish to the board of selectmen such information as may be
85 required by the board of selectmen.

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