

HOUSE No. 4882

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Abolishing the Board of Public Works in the Town of Hopkinton..

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. Chapter 375 of the acts of 1998 is hereby further amended by striking out
2 section 1, as amended by section 1 of chapter 262 of the acts of 2006, and inserting in place
3 thereof the following section:

4 Section 1. There is hereby established in the town of Hopkinton a department of public
5 works, hereinafter called “the department”, which shall be under the supervision and control of
6 the town manager, except for those powers and duties assigned under this chapter to the board of
7 selectmen, hereinafter called “the board.”

8 SECTION 2. Chapter 375 of the acts of 1998 is hereby further amended by striking out
9 section 4, as amended by section 2 of chapter 262 of the acts of 2006, and inserting in place
10 thereof the following section:

11 Section 4. The board shall have the exclusive authority to establish rates, fees and other
12 charges for such services, programs and other public benefits as may have come within the
13 jurisdictions of any of the boards, departments or offices which have been abolished by this act.

14 The town manager shall appoint and, subject to appropriation, fix the compensation of a director
15 of public works, who shall exercise and perform, under the supervision and direction of the town
16 manager, such of the powers, rights and duties which have been transferred to the department
17 hereunder as he may from time to time designate. The director shall be responsible for the
18 efficient exercise and performance of such powers, rights and duties and shall hold office subject
19 to the will of the town manager. The director shall be specifically fitted by education, training
20 and experience to perform the duties of the office and may or may not be a resident of the town.
21 Except as otherwise set forth herein, during the director's tenure, he shall hold no elective or
22 other appointive office, nor shall he be engaged in any other business or occupation. The director
23 shall, subject to the approval of the board, appoint such assistants, agents and employees as the
24 exercise and performance of his powers, rights and duties may require. The director shall keep
25 full and complete records of the doings of his office and render to the board as often as it may
26 require a full report of all operations under his control during the period reporting upon.

27 SECTION 3. Chapter 375 of the acts of 1998 is hereby further amended by striking out
28 section 10 and inserting in place thereof the following section:

29 Section 10. The town manager shall appoint the director for a term of from one to three
30 years commencing on July 1 and expiring on June 30; provided, however, that the initial term of
31 such director shall commence on the date of appointment by the town manager and terminate on
32 the next following June 30. The town manager may remove the director when in its judgment the
33 public interest so requires. The director shall not be subject to the provisions of section 9A of
34 chapter 30 or chapter 31 of the General Laws.

35 SECTION 4. Section 3 of chapter 262 of the acts of 2006 is repealed.

36 SECTION 5. Chapter 136 of the acts of 2009 is repealed.

37 SECTION 6. This act shall take effect upon its passage.