

# SENATE . . . . . No. 2084

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act establishing a town manager in the Town of Hamilton..

*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. There shall be a town manager in the town of Hamilton. Notwithstanding  
2   any general or special law to the contrary, the town manager, reporting to and accountable to the  
3   board of selectmen, shall be the chief administrative and operating officer of the town of  
4   Hamilton. The town manager shall not set town policy but shall ensure appropriate coordination  
5   in the implementation of town policy, working with the board of selectmen and all elected and  
6   appointed officers, boards and commissions. The town manager shall supervise and manage the  
7   day-to-day activities of all town departments and employees under the jurisdiction of the board  
8   of selectmen and shall coordinate their activities with those of all other departments and  
9   employees.

10          SECTION 2. The town manager shall appoint and may remove all department heads and  
11   officers, subordinates, and employees under the jurisdiction of the board of selectmen.  
12   Appointments and removals of department heads by the town manager shall be subject to  
13   confirmation by the board of selectmen. All other appointments shall be made in consultation  
14   with the respective department head, board, commission, or committee.

15           SECTION 3. The town manager shall be appointed by the board of selectmen on the  
16 basis of executive and administrative qualifications and experience. The town manager shall be  
17 a person especially suited by education, training and professional experience to perform the  
18 duties of the office. The position of town manager is a fulltime commitment and the town  
19 manager shall not engage in any other business or occupation without the prior approval of the  
20 board of selectmen. The town manager shall be appointed for a term of three or less years, and  
21 shall be evaluated annually by the board of selectmen. The board of selectmen shall enter into an  
22 employment contract with the town manager.

23           SECTION 4. In addition, the town manager shall be responsible and accountable to the  
24 board of selectmen, for the proper execution of the following powers and duties:

25           With respect to general town administration, to implement all policies of the board of  
26 selectmen, to attend annual and special town meetings and respond to questions concerning all  
27 warrant articles, to implement and report progress on implementing actions taken by the town  
28 meeting, and to oversee preparation of all town reports including the annual report;

29           With respect to the board of selectmen administration, to attend meetings of the board of  
30 selectmen and have the right to address all matters coming before the board, to prepare agendas  
31 and research, collect, and disseminate information to enable the board of selectmen to make  
32 policy decisions, to inform the board of selectmen on implementation of policy decisions through  
33 regular reporting, and to inform the board of selectmen of important developments in the  
34 operation of town departments, fiscal affairs, personnel matters, procurement, and town  
35 compliance with federal, state, and local laws, rules, and regulations;

36 With respect to fiscal administration, to oversee administration and implementation of all  
37 town fiscal actions, to oversee all town actions in connection with municipal borrowing, to  
38 prepare and present detailed annual and interim operating and capital budgets to the board of  
39 selectmen, finance committee, and town meeting, to provide regular, current analysis of  
40 performance relative to budget, to develop, present, and implement a long-range capital plan, to  
41 approve and execute all warrants for the payment of town funds, and to prepare and prosecute all  
42 grant applications;

43 With respect to personnel administration, to serve as the town's personnel director, to  
44 administer the town's personnel policies, compensation plans, and employee benefit programs, to  
45 serve as the town's pension administrator, to serve as the town's coordinator for compliance with  
46 the Americans with Disabilities Act, to serve as the town's affirmative action officer, to prepare  
47 and implement job descriptions for town department heads and employees, to review personnel  
48 performance at least annually and recommend salary and benefit adjustments, to negotiate all  
49 collective bargaining agreements on behalf of the town, for which the town manager may seek  
50 the assistance of labor counsel as deemed necessary and which final agreement must be approved  
51 by the board of selectmen, and to establish compensation agreements for all town employees not  
52 subject to a collective bargaining agreement, which final agreement must be approved by the  
53 board of selectmen;

54 With respect to procurement and construction, to serve as the town's chief procurement  
55 officer for the purchase and sale of equipment, materials, supplies, and services of all town  
56 departments, to supervise and coordinate all town construction projects and activities including  
57 design, construction and construction management, to coordinate preparation of information for  
58 bidders and proposers and all design and construction documentation, to review bids, award

59 contracts and manage all claims activity, to oversee and report on construction progress and  
60 contractual compliance, to review and act upon all bills and payment requests, and to maintain  
61 all procurement and construction records;

62 With respect to insurance, to contract for and administer the town's insurance policies  
63 and programs and to file, prosecute, and settle all insurance claims;

64 With respect to asset management, to manage and oversee maintenance of all town  
65 property, real and personal, to act upon all requests for rental and use of town property, and to  
66 make recommendations regarding all requests for licenses and permits made to the board of  
67 selectmen;

68 With respect to legal affairs, to coordinate with Town Counsel on all legal matters  
69 affecting town government, compliance, claims, litigation and administrative proceedings and to  
70 oversee prosecuting, defense, and settlement of all claims and actions;

71 With respect to computers and IT, to oversee and coordinate computer operations of town  
72 departments to ensure efficiency, economy, and currency, to serve as procurement officer for  
73 purchase of hardware and software and maintenance and repair services, to oversee training of  
74 personnel, and to implement and oversee maintenance of the town website;

75 With respect to general duties, to serve as the town's liaison with residents, the media,  
76 and the general public, to cultivate and maintain effective relations with the citizens of the town,  
77 and to maintain cordial and effective relationships with governmental officials at all levels  
78 including those of neighboring towns.

79           SECTION 5. During a temporary absence the town manager shall designate by letter filed  
80 with the board of selectmen a qualified administrative employee or officer to exercise the powers  
81 and perform the duties of town manager. If the town manager fails to do so, or if the person so  
82 designated fails to serve to the satisfaction of the board of selectmen, the board may appoint a  
83 qualified employee or officer to serve. In the event of suspension of the town manager, the  
84 board of selectmen shall appoint an acting town manager.

85           SECTION 6. This act shall take effect upon its passage. Implementation of the changes  
86 so enacted shall begin immediately thereafter and be completed promptly but consistent with the  
87 need for a comprehensive qualification process.