

SENATE No. 2617

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act amending the charter of the town of Middleborough..

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 592 of the acts of 1920, as amended by section 3 of chapter 443 of
2 the acts of 1935, is hereby amended by striking out section 9 and inserting in place thereof the
3 following section:-

4 Section 9: The board of selectmen shall appoint a suitable qualified person to the office
5 of town treasurer and collector of taxes. The existing elective office of town treasurer and
6 collector of taxes shall be continued until the person appointed to the office of town treasurer and
7 collector of taxes is qualified, at which time the elective office of town treasurer and collector of
8 taxes shall terminate. The town treasurer and collector of taxes shall have and exercise all the
9 powers and rights and be subject to all the duties and liabilities now or hereafter conferred or
10 imposed by law upon town treasurers and town collectors of taxes. The board of selectmen by
11 majority vote after notice and hearing may remove the town treasurer and collector of taxes from
12 office for cause. The board of selectmen may appoint a suitable qualified person to fill any
13 vacancy in the office of town treasurer and collector of taxes resulting from death, resignation,
14 retirement, removal or other cause. The board of selectmen shall determine the compensation of

15 the town treasurer and collector of taxes and may establish an employment contract with the
16 town treasurer and collector of taxes for a period of time to provide for salary, fringe benefits and
17 other conditions of employment including, but not limited to, severance pay, relocation expenses,
18 reimbursement for expenses incurred in the performance of duties of office, liability insurance,
19 vacation and leave.

20 SECTION 2. Section 17 of said chapter 592 is hereby amended by striking out
21 subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

22 (a) The board of selectmen shall annually appoint and determine the compensation of an
23 attorney or law firm to act as town counsel.

24 (b) The board of selectmen shall have the authority to prosecute, defend, and compromise
25 all litigation, to which the town is a party, and to appoint and determine the compensation of
26 special counsel to assist the town counsel whenever in their judgment it may be necessary.

27 The town counsel shall draft all bonds, deeds, leases, obligations, conveyances and other
28 legal instruments, and do every professional act which may be required of him, by vote of the
29 town or any board of town officers. Also, when so required by said boards or any committee of
30 the town, he shall furnish a written opinion on any question that may be submitted to him, and he
31 shall at all times furnish legal advice to any officer of the town who may require his opinion
32 upon any subject concerning the duties of such officer.

33 He shall prosecute all suits or other legal proceedings ordered to be brought by the town
34 or board of selectman, and shall appear before any court in the commonwealth in defense of all
35 actions or suits brought against the town or its officers in their official capacity, and shall try and
36 argue any and all causes in which the town shall be a party, before any tribunal, whether in law

37 or in equity, in the commonwealth, or before an board of referees or commission, and shall
38 appear at any and all hearings on behalf of the town whenever his services may be required.

39 SECTION 3. Section 19 of said chapter 592 is hereby amended by adding the following
40 3 subsections:-

41 (k) To prepare and submit an annual operating budget to the board of selectmen. The
42 proposed budget shall include, but not be limited to, a listing of the funds requested by all
43 boards, committees, officers and departments of the town; provided, however, that the proposed
44 budget shall be balanced and show both proposed expenditures and anticipated revenues. The
45 board of selectmen, after reviewing the proposed budget and making changes it deems
46 appropriate, shall submit its recommended budget to the finance committee by the twentieth day
47 of January of each year for review and recommendation to town meeting.

48 (l) To prepare annually a 5-year financial forecast of town revenue, expenditures and
49 general finance condition of the town. The forecast shall be submitted to the board of selectman
50 who shall make it available to the public.

51 (m) To be responsible on behalf of the board of selectmen for the negotiation,
52 administration and enforcement of collective bargaining agreements and other employment
53 agreements, exclusive of agreements made by the school committee and the municipal light
54 board. The town manager in carrying out duties hereunder may engage labor counsel as the
55 town manager deems necessary and as approved by the board of selectmen; provided, however,
56 that the board of selectmen shall retain sole authority to approve and execute all collective
57 bargaining agreements negotiated by the town manager on the board of selectmen's behalf.

58 SECTION 4. Notwithstanding any general or special law to the contrary, the board of
59 selectmen of the town of Middleborough shall appoint the person serving in the elective office of
60 town treasurer and collector of taxes on the effective date of this act as the initial appointee as
61 town treasurer and collector of taxes; provided, however, that the person shall receive not less
62 than the compensation and benefits to which the elected town treasurer and collector of taxes
63 was entitled unless modified by an employment contract which may be established.