

HOUSE No. 3800

The Commonwealth of Massachusetts

PRESENTED BY:

George N. Peterson, Jr.

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 Amending the Charter of the Town of Westborough.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>	<i>11/4/2011</i>
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>	<i>11/8/2011</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>11/7/2011</i>
<i>James B. Eldridge</i>		<i>11/7/2011</i>

HOUSE No. 3800

By Mr. Peterson of Grafton, a petition (accompanied by bill, House, No. 3800) of George N. Peterson, Jr. and others (by vote of the town) for legislation to amend the charter of the town of Westborough. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act Amending the Charter of the Town of Westborough.

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. The charter of the Town of Westborough, which is on file in the office of
2 the archivist of the Commonwealth, as provided in section 12 of chapter 43B of the General
3 Laws, is hereby amended by striking the third clause of section 3-2(d), reading, “members of the
4 town boards, commissions or committees for which the boards has explicitly designated as
5 appointing authority in said section 5-2,” and inserting in place thereof the following: “town
6 boards, commissions, or committees for which section 5-2 of this charter has designated the
7 selectmen as appointing authority.”

8 SECTION 2. Section 3-2(f) of said charter is hereby amended by striking the second
9 sentence reading, “An employee holding the office of Selectman in the Town of Westborough on
10 the effective date of this act may serve the remaining period of his term, but shall be ineligible
11 for re-election while so employed.”

12 SECTION 3. Section 3-3(c) of said charter is hereby amended by striking it and inserting
13 in place thereof the following: “Section 3-3(c) Powers and Duties – the Moderator shall have the
14 powers and duties provided for that office by statute, by the Charter, by By-law and by other
15 vote of Town Meeting.”

16 SECTION 4. Section 3-3(d) of said charter is hereby amended by striking it and inserting
17 in place thereof the following: “Section 3-3(d) Appointments – the Moderator shall appoint for
18 fixed overlapping terms: all members of the advisory finance committee, two members of the
19 capital expenditure planning committee and members of such other committees special or
20 standing as may from time to time be established by Town Meeting designating the Moderator as
21 the appointing authority. These appointments shall be made such that the terms of office of as
22 nearly an equal number of members shall expire each year.”

23 SECTION 5. Section 4-2(a)(ii) of said charter is hereby amended by striking it and
24 inserting in place thereof the following: “(ii) Members of other Town boards, commissions, or
25 committees and other personnel for which the Board of Selectmen, Town By-law, or Town
26 Meeting action has directed the Town Manager to act as appointing authority as long as that
27 appointing authority does not contradict an appointing authority designated in this charter.”

28 SECTION 6. Section 5-2(a) of said charter is hereby amended by striking the words
29 “Walkup Robinson Fund” and inserting in place thereof the following words: “Representative to
30 the Walkup Robinson Fund.”

31 SECTION 7. Section 5-3(e) of said charter is hereby amended by striking the words
32 “Filling Vacancies on Boards, Commissions or Committees. Notwithstanding any contrary
33 special or general law to the contrary, a vacancy, on a board, commission or committee for a

permanent temporary position shall be filled in the same manner as prescribed for the initial appointment,” and inserting in place thereof the following: “All vacancies on any board, commission or committee shall be filled in the same manner as the initial appointment.”

SECTION 8. Said charter is hereby amended by inserting, after Article 7, the following:

“Article 8 – Department of Public Works. There shall be a Department of Public Works which shall have all the powers and duties now or from time to time vested by law in the following boards, departments or offices: Highway Superintendent, Water Commissioners, Sewer Commissioners and Tree Warden. The Department of Public Works shall in all respects be the lawful successor of the aforementioned boards, departments, and offices.

The Department shall furnish engineering services, provide for the maintenance and repair of the Town buildings and property, and performance of such duties of any other boards, departments, and offices of the Town as may be reasonably related to the duties and responsibilities of this Department, and as the Town may, from time to time under the Charter require, any other provisions of law to the contrary notwithstanding.

The Department shall be headed by a manager who shall be appointed according to the provisions of Section 3-2(d). He shall be responsible for the efficient exercise and performance of all powers, rights, and duties of the Department. He shall be especially fitted by education, training, and experience to perform the duties of said office, and may or may not be a resident of the Town at the time of his appointment. During his tenure, the manager of the Department of Public Works shall not hold elective office, nor engage in any other business or occupation unless the other business or occupation is approved in advance by the Board of Selectmen. He

56 shall keep full and complete records of his office and render to the Town as often as it may
57 require a full report of all operations under his control during the period reported upon; and from
58 time to time as required by the Selectmen he shall make a synopsis of such reports for
59 publication. He shall keep the Selectmen fully advised as to the needs of the Town within the
60 scope of his duties. He shall be bonded by a surety company and the cost of said bond shall be
61 borne by the Town.

62 The Board of Selectmen shall be responsible for the overall supervision of the
63 Department of Public Works and for the establishment of policies to guide the Manager of Public
64 Works.”