

**HOUSE . . . . . No. 4547**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John W. Scibak and Stanley C. Rosenberg***

*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 Relative to the Positions of Collector and Clerk-Treasurer in the Town of South Hadley.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>12/11/2012</i>
<i>Stanley C. Rosenberg</i>	<i>Hampshire, Franklin and Worcester</i>	<i>12/12/2012</i>

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By Mr. Scibak of South Hadley and Senator Rosenberg, a joint petition (accompanied by bill, House, No. 4547) of John W. Scibak and Stanley C. Rosenberg (by vote of the town) relative to the positions of collector and clerk-treasurer in the town of South Hadley. Municipalities and Regional Government. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Twelve**  
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An Act Relative to the Positions of Collector and Clerk-Treasurer in the Town of South Hadley.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to alter the positions of Collector and Clerk-Treasurer in the Town of South Hadley , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 Chapter 191 of the acts of 1990 is hereby repealed.

2           SECTION 2. The office of town clerk for the town of South Hadley is hereby separated  
3 from the office of treasurer, and made an appointive office. The town clerk shall perform all  
4 functions of the clerk’s office and shall continue to be an ex officio member of the board of  
5 registrars in accordance with the General Laws; provided, however, that the incumbent elected  
6 clerk-treasurer in office upon the effective date of this act shall be the lawful successor of said  
7 position, absent felonious actions, through the end of the term for which she was elected; and  
8 provided, further, that afterward said incumbent may continue to serve in 1 or both positions in  
9 an appointed capacity at her discretion, and may continue to hold 1 or both offices until

10 retirement, resignation, removal, or if the position should otherwise become vacant. The position  
11 of clerk shall be appointed and may be removed by the town administrator, subject to approval of  
12 the selectboard.

13 SECTION 3. The office of treasurer for the town of South Hadley is hereby separated  
14 from the office of the clerk-treasurer, and made an appointive office; provided, however, that the  
15 incumbent elected clerk-treasurer in office upon the effective date of this act shall be the lawful  
16 successor of said position, absent felonious actions, through the end of the term for which she  
17 was elected; and provided, further, that afterward said incumbent may continue to serve in 1 or  
18 both positions in an appointed capacity at her discretion, and may continue to hold 1 or both  
19 offices until retirement, resignation, removal, or if the position should otherwise become vacant.  
20 The position of treasurer shall be appointed and may be removed by the town administrator,  
21 subject to approval of the selectboard. Nothing in this act shall prevent the town administrator  
22 from appointing 1 person to serve as both clerk and treasurer, or 1 person to serve as both  
23 collector and treasurer; provided, however, that combining the collector position with the  
24 treasurer position can only be proposed upon the vacancy in the office of the present incumbent  
25 collector.

26 SECTION 4. Upon the effective date of this act, the term of the incumbent elected  
27 collector is terminated and the position of collector as an elected office shall be abolished;  
28 provided, however, that the incumbent elected collector shall be deemed to be the first appointed  
29 collector under this act and shall be the lawful successor of said position, absent felonious  
30 actions, through the end of the term for which she was elected; and provided, further, that  
31 afterward said incumbent shall hold said office until retirement, resignation, removal, or if the  
32 position should otherwise become vacant. The position of collector shall be appointed and may

33 be removed by the town administrator, subject to approval of the selectboard. Nothing in this act  
34 shall prevent the town administrator from appointing 1 person to serve as both clerk and  
35 treasurer, or 1 person to serve as both collector and treasurer, subject to the approval of the  
36 selectboard; provided, however, that combining the collector position with the treasurer position  
37 can only be proposed upon a vacancy in the office of the present incumbent collector.

38 SECTION 5. The provisions of this act shall take effect upon its acceptance by the voters  
39 of the town of South Hadley at an annual town election or special election, but not otherwise.  
40 The town counsel shall prepare a concise summary of the contents of the act to appear on the  
41 town election ballot.

42 SECTION 6. This act shall take effect upon passage.