HOUSE DOCKET, NO. 4156 FILED ON: 3/11/2014

HOUSE . . . . . No. 3961

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema and Karen E. Spilka

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 authorizing the town of Holliston to establish a department of public works.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carolyn C. Dykema	*8th Middlesex*
Karen E. Spilka	*Second Middlesex and Norfolk*

HOUSE DOCKET, NO. 4156 FILED ON: 3/11/2014

HOUSE . . . . . No. 3961

By Representative Dykema of Holliston and Senator Spilka, a joint petition (accompanied by bill, House, No. 3961) of Carolyn C. Dykema and Karen E. Spilka (by vote of the town) that the town Holliston be authorized to establish a department of public works. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act authorizing the town of Holliston to establish a department of public works.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is hereby established in the town of Holliston a department of public works, which shall be under the supervision and control of the board of selectmen.

SECTION 2. Except as otherwise provided in this act, the board of selectmen of the town of Holliston shall have all the powers and duties vested by general or special act or town by-law in the following boards, commissions, departments or officers: highway department, including the highway superintendent and the surveyors of highways; and the water department, including the board of water commissioners. The board of water commissioners is hereby abolished. No existing contract or liability in force on the effective date of this act shall be affected, but the board shall in all respects be the lawful successor of the entity so abolished.

SECTION 3. The department of public works shall perform all the functions vested by general or special law or town by-law in the following departments and offices: highway department and water department. The department of public works shall assume the responsibility for the operations of the streets and those functions of the park commission related to management, care and maintenance of real property as the park commission may designate in writing. All equipment, property, facilities, funds, assets and liabilities under the care, custody and control of the abolished board of water commissioners on the effective date of this act, shall be transferred to the care, custody and control of the board of selectmen. The provisions of section 53F½ of chapter 44 of the General Laws shall apply to water related funds, assets and liabilities, except as otherwise provided in this act.

SECTION 4. The town may provide, by town by-law, that the department of public works have additional powers related to the following duties: the collection and disposal of garbage and refuse; the maintenance and repair of street lights; the maintenance and repair of town buildings and property other than buildings and property under control of the school committee or the board of library trustees, unless said committee or board of trustees consent thereto in writing; and the performance of such duties of any other boards, departments or offices of the town as may be reasonably related to the duties of a department of public works.

SECTION 5. No later than 120 days prior to the beginning of each fiscal year, the board of selectmen shall convene a public hearing to determine the water budget and set equitable prices and rates for usage of the water system for the next fiscal year. The date, time and place of the hearing shall be included in all water bills mailed for the second quarter of each fiscal year. At least 2 weeks prior to the hearing, the board shall publish notice of the hearing in at least 1 newspaper of general circulation in the town of Holliston, and post such notice at town hall and on the town's Web site. At the hearing, the board of selectmen shall take testimony from any interested party and shall then submit its recommendations to the town meeting, which shall act upon the water budget in the same manner as all other budgets.

SECTION 6. Subject to appropriation and the provisions of the general town by-laws and personnel by-laws, the board of selectmen shall appoint, fix the tenure and compensation of, and enter into a contract with, a director of public works. The director shall exercise and perform, in conformity with the policies of the board, those powers, rights and duties conferred upon the board of selectmen pursuant to section 2 as said board may delegate. The director of public works shall have full charge and authority over the employees, equipment and facilities within the department of public words, subject to the requirements of any general or special law, town by-laws, regulations and the direction and policies of the board of selectmen.

The director of public works shall, at a minimum, hold a bachelor's degree in civil engineering or other appropriate discipline, and have at least 5 years of relevant professional experience in public works construction and management. The board of selectmen may establish other requirements such as registration as a professional civil engineer within the commonwealth. During his or her tenure, the director of public works shall hold no other elective or appointive office, nor shall the director of public works engage in any other business or occupation without prior express written authorization of the board of selectmen. The director of public works shall give the town a bond with a surety company authorized to transact business in the commonwealth as surety for the faithful performance of his duties in such sum and upon such conditions as the board of selectmen may require. The town shall pay the premium for said bond.

The director of public works may designate, by letter approved by a vote of the board of selectmen and filed with the town clerk, a qualified officer of the town to perform the director's duties in the case of absence or disability. Pending the appointment of a director, the filling of any vacancy, the failure of the director to designate a temporary director, or during the suspension of the director, the board of selectmen shall appoint a suitable person to perform the duties of the director's office.

SECTION 7. The director of public works shall appoint, remove and supervise employees of the department of public works in accordance with the town's personnel by-law and any applicable collective bargaining agreements. The director shall appoint and remove such employees as the director deems necessary, subject to town meeting appropriation and approval of the board of selectmen. The director of public works shall supervise, direct and be responsible for the efficient administration of all departments, offices, boards and committees appointed by the director.

The director of public works shall keep full and complete records of the department. The director shall provide to the board of selectmen, as often as may be required by the board but at least quarterly, a full report of all the operations under the director's control during the period reported upon, and shall annually provide to the board and file with the town clerk a full report of all the operations under the director's control, including, but not limited to: a full financial report of all accounts, funds and grants; a work plan with related finance plan for the next fiscal year, and a report on the accomplishments and progress made under the work plan from the preceding fiscal year. The director of public works shall have access to all town books, records and documents necessary for the proper performance of the assigned duties and responsibilities.

The director of public works shall keep the board of selectmen fully advised as to the needs of the town within the scope of his duties, and shall annually, in conformity with the requirements established by the board, provide to the board, in writing, a carefully prepared and detailed budget and work plan including estimates of the appropriations and revenue for any department enterprise funds established pursuant to section 53F½ of chapter 44 of the General Laws required during the next fiscal year for the proper exercise and performance of all said rights and duties.

The director of public works shall perform such other duties consistent with the office as may be required by town by-laws, vote of town meeting, or majority vote of the board of selectmen.

SECTION 8. The board of selectmen shall retain all powers, duties and responsibilities associated with incurring debt.

91 SECTION 9. Once established, the town of Holliston may modify the duties, powers and
92 responsibilities of the department of public works. Integration of agencies, departments, or
93 districts not described in this act shall require approval by a majority vote at a town meeting.
94 Public works functions, once integrated, may be constituted as independent organizations or
95 departments by a majority vote at a town meeting.

96 SECTION 10. This act shall take effect upon its passage.