SENATE DOCKET, NO. 2135 FILED ON: 7/1/2015

SENATE . . . . . No. 1960

The Commonwealth of Massachusetts

PRESENTED BY:

Richard J. Ross

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 establishing a department of public works in the town of Plainville.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Shawn Dooley	*9th Norfolk*

SENATE DOCKET, NO. 2135 FILED ON: 7/1/2015

SENATE . . . . . No. 1960

By Mr. Ross, a petition (accompanied by bill, Senate, No. 1960) of Richard J. Ross and Shawn Dooley (by vote of the town) for legislation to establish a department of public works in the town of Plainville. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act establishing a department of public works in the town of Plainville.

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 shall be a department of public works in the town of Plainville under the supervision and control of the board of selectmen. The department shall be responsible for the management of public works operations not assigned to other departments including, but not limited to, the highway department, the water department, the sewer department and all other related construction and operations as the town administrator may assign from time to time when necessary and desirable. The board shall make all policy decisions relating to the department of public works.

SECTION 2. (a) The town administrator of the town of Plainville shall appoint a director of public works who shall recommend to the town administrator all employees of the department of public works. The director shall provide the town a bond with a surety company authorized to transact business in the commonwealth as surety for the faithful performance of the director's duties in a sum and upon conditions as the town administrator shall require.

13 (b) The director shall supervise and direct the operations and employees of the
14 department pursuant to the general laws, any special laws applicable to the town, the town
15 personnel by-law and any applicable collective bargaining agreements. The director shall be
16 qualified by education, training and experience to perform the duties of the office and shall have
17 such other qualifications as the town may require. The office of director shall be a full-time
18 position. During the director's tenure, the director shall not hold an elective office and shall not
19 engage in a business or occupation relating to public works unless approved in advance by the
20 board of selectmen. Nothing in this section shall prevent the director from serving on special ad
21 hoc committees in order to represent the town and the department.

22 SECTION 3. (a) The water and sewer board is hereby abolished, the terms of any
23 incumbent members of the board shall be terminated and the powers, duties and responsibilities
24 of the water and sewer board shall be transferred to the board of selectmen of the town of
25 Plainville.

26 (b) All records, property and equipment of the water and sewer board and any office,
27 department or agency or part thereof whose powers and duties were assigned to the water and
28 sewer board shall be transferred immediately to the department of public works. All official
29 bonds, obligations, contracts and other instruments entered into or executed by or on behalf of
30 the town prior to the effective date of this act and all taxes, assessments, fines, penalties and
31 forfeitures incurred or imposed, due or owing to the town shall be enforced and collected, shall
32 continue without abatement and shall remain unaffected by this act. No contracts or liabilities in
33 force on the effective date of this act shall be affected by this act or the abolition of any offices
34 under this act.

35 (c) The department of public works shall in all respects be the lawful successor of offices
36 and departments abolished, consolidated or otherwise modified pursuant to this act. No person
37 in the regular permanent full-time or part-time service or employment of the town in relation to
38 the functions addressed in this act shall forfeit the rate of compensation, grade, step or time of
39 service because of the creation of the department of public works. Each person shall be retained
40 in a capacity as similar as practical to the person's former capacity. No collective bargaining
41 agreement, contract or liability in force on the effective date of this act shall be affected by this
42 act.

43 SECTION 4. This act shall take effect upon its passage.