

# SENATE . . . . . No. 2037

---

## The Commonwealth of Massachusetts

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

SENATE, Thursday, October 22, 2015

The committee on Municipalities and Regional Government to whom was referred the 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,- reports the accompanying bill (Senate, No. 2037).

For the committee,  
Barbara A. L'Italien

# SENATE . . . . . No. 2037

---

## 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:*

1           SECTION 1. Chapter 404 of the acts of 1908 is hereby amended by striking out section 9  
2 and inserting in place thereof the following section:-

3           Section 9. The authority granted to the town of Plainville under this act and not otherwise  
4 specifically provided for shall be vested in the board of selectmen and the department of public  
5 works.

6           SECTION 2. Section 10 of said chapter 404 is hereby further amended by striking out, in  
7 line 1, the word “commissioners” and inserting in place thereof the following words:- “board of  
8 selectmen”.

9           SECTION 3. Said section 10 of said chapter 404 is hereby further amended by striking  
10 out, in line 13 and 14, the words “water commissioners” and inserting in place thereof the  
11 following words:- board of selectmen.

12           SECTION 4. Said section 10 of said chapter 404 is hereby further amended by striking  
13 out the last sentence and inserting in place thereof the following sentence:- The director of public

works shall annually, and more often as the town may require, submit a report on the condition of the works under the director's charge and an account of the department's doings, including an account of receipts and expenditures.

SECTION 4. Chapter 192 of the acts of 2008 is hereby repealed.

SECTION 5. 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 6. (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.

(b) The director shall supervise and direct the operations and employees of the department pursuant to the general laws, any special laws applicable to the town, the town personnel by-law and any applicable collective bargaining agreements. The director shall be qualified by education, training and experience to perform the duties of the office and shall have such other qualifications as the town may require. The office of director shall be a full-time position. During the director's tenure, the director shall not hold an elective office and shall not

engage in a business or occupation relating to public works unless approved in advance by the board of selectmen. Nothing in this section shall prevent the director from serving on special ad hoc committees in order to represent the town and the department.

SECTION 7. (a) The water and sewer board in the town of Plainville is hereby abolished. The terms of any incumbent members of the board shall be terminated and the powers, duties and responsibilities of the water and sewer board shall be transferred to the board of selectmen of the town of Plainville.

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

(c) The department of public works shall in all respects be the lawful successor of offices and departments abolished, consolidated or otherwise modified pursuant to this act. No person in the regular permanent full-time or part-time service or employment of the town in relation to the functions addressed in this act shall forfeit the rate of compensation, grade, step or time of service because of the creation of the department of public works. Each person shall be retained in a capacity as similar as practical to the person's former capacity. No collective

58 bargaining agreement, contract or liability in force on the effective date of this act shall be  
59 affected by this act.

60 SECTION 8. This act shall take effect upon its passage.