

HOUSE No. 3513

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus and Mark C. Montigny

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 town administrator in the town of Fairhaven.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|------------------------------------|------------------|
| <i>William M. Straus</i> | <i>10th Bristol</i> | <i>1/19/2017</i> |
| <i>Mark C. Montigny</i> | <i>Second Bristol and Plymouth</i> | <i>1/23/2017</i> |

HOUSE No. 3513

By Representative Straus of Mattapoisett and Senator Montigny, a joint petition (accompanied by bill, House, No. 3513) of William M. Straus and Mark C. Montigny (by vote of the town) that the town of Fairhaven be authorized to further clarify the duties and responsibilities of the town administrator . Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the town administrator in the town of Fairhaven.

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. Section 1 of chapter 381 of the acts of 2014 is hereby amended by striking
2 out subsection (c) and inserting in place thereof the following subsection:-

3 (c) appoint the town counsel and any special counsels, and all members of committees,
4 boards and commissions except the finance committee and except those appointed by the
5 moderator, elected by the voters or under the jurisdiction of the school committee or of the board
6 of public works and may make appointments to temporary posts and committees the board
7 creates for special purposes;.

8 SECTION 2. Section 2 of said chapter 381 is hereby amended by striking out subsection
9 (e) and inserting in place thereof the following subsection:-

10 (e) Manage and direct the daily reporting and supervision of all town departments under
11 the jurisdiction of the board of selectmen, including: assessors, building commission, council on

12 aging, police, civil defense, animal control officer, gas inspector, plumbing inspector, wiring
13 inspector and weights and measures inspector, recreation, tree, planning, finance, finance
14 director, collector, treasurer, accounting, veterans, town counsel, other committees appointed by
15 and under the jurisdiction of the board of selectmen and the fire department, subject to section 42
16 of chapter 48 of the General Laws, but not including the school department or the public works
17 department.

18 SECTION 3. Said section 2 of said chapter 381 is hereby further amended by striking out
19 subsection (g) and inserting in place thereof the following subsection:-

20 (g) Except with respect to the school department and the public works department, the
21 town administrator shall have sole authority over the administration of personnel policies for all
22 town employees. With respect to the fire department, such authority shall be subject to section 42
23 of chapter 48 of the General Laws. The town administrator shall act as the personnel board under
24 all applicable laws and by-laws, except as otherwise set forth in this act. The personnel board as
25 presently constituted shall be eliminated upon the appointment of the town administrator. The
26 town may enact by-laws establishing the wages, salaries and other benefits of employees, which
27 shall be consistent with the authority granted to the town administrator in this act.

28 Notwithstanding the elimination of the personnel board, all actions taken prior to the
29 appointment of the town administrator by the personnel board within its authority, and by any
30 other town official or board, with respect to personnel, including the appointment of all officers
31 and employees, shall continue in full force and effect subject to future action by the town
32 administrator within the town administrator's authority.

33 SECTION 4. Said section 2 of said chapter 381 is hereby further amended by striking out
34 subsection (k) and inserting in place thereof the following subsection:-

35 (k) With the approval of the board of selectmen, negotiate all collective bargaining
36 agreements on behalf of the town, except for the school department and the public works
37 department. The town administrator may seek the assistance of labor counsel if the town
38 administrator deems it necessary to effect successful negotiations. All final agreements must be
39 approved and executed by the board of selectmen.

40 SECTION 5. Said section 2 of said chapter 381 is hereby further amended by striking out
41 subsection (m) and inserting in place thereof the following subsection:-

42 (m) Submit to the board of selectmen a written proposed budget for town government for
43 the ensuing fiscal year. The proposed budget shall detail all estimated revenue from all sources,
44 and all proposed expenditures, including debt service for the previous, current and ensuing 5
45 years. The proposed budget shall include proposed expenditures for both current operations and
46 capital projects during the ensuing year, detailed by department, committee, agency, purpose and
47 position and proposed financing methods. The proposed budget shall include estimated revenues
48 and free cash available at the close of the fiscal year, including estimated balances in special
49 accounts. The town may, by by-law establish additional financial information and reports to be
50 provided by the town administrator. To assist the town administrator in preparing the proposed
51 annual budget of revenue and expenditures, the finance director, all boards, officers and
52 committees of the town, including the school committee and the board of public works, shall
53 furnish to the town administrator, in a writing in such a form as the town administrator shall

54 establish, all relevant information in their possession, including a detailed estimate of the
55 appropriations required and any available funds.

56 SECTION 6. Said section 2 of said chapter 381 is hereby further amended by striking
57 out subsection (v) and inserting in place thereof the following subsection:-

58 (v) Manage and oversee the use, maintenance, security and, with the approval of the
59 board of selectmen, regulate the rental for all the town buildings, properties and facilities,
60 including information technology, except those under the jurisdiction of the school department or
61 the public works department, unless so requested by either of those departments.

62 SECTION 7. Said section 2 of said chapter 381 is hereby further amended by striking out
63 subsection (x) and inserting in place thereof the following subsection:-

64 (x) With the approval of the board of selectmen, prosecute, defend and settle all litigation
65 for or against the town or its officers and employees, subject to such appropriation as may be
66 necessary to effect settlement, except for litigation involving only the school department or the
67 public works department, unless so requested by either of those departments.

68 SECTION 8. Chapter 389 of the acts of 2014 is hereby repealed.

69 SECTION 9. This act shall take effect upon its passage.