

SENATE No. 2826

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

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 reorganization of the water, highway and park/cemetery departments and commissioners in the town of Topsfield.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Bradford Hill</i>	<i>4th Essex</i>

SENATE No. 2826

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 2826) of Joan B. Lovely and Bradford Hill (by vote of the town) for legislation relative to the reorganization of the water, highway and park/cemetery departments and commissioners in the town of Topsfield. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the reorganization of the water, highway and park/cemetery departments and commissioners in the town of Topsfield.

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. Notwithstanding any general or special law to the contrary, there shall be a
2 highway department, a park and cemetery department and a water department in the town of
3 Topsfield to be under the general supervision and control of the town administrator, which town
4 administrator shall have and exercise all of the authority with respect to the departments as
5 provided herein, and such other authority generally as the town may grant from time by by-law.
6 Provided, further, that the town administrator may, following notification to the Board of
7 Selectmen, consolidate or organize the park and cemetery departmental operations with those of
8 the highway department to provide for operational efficiencies.

9 SECTION 2. (a) The highway department shall have all the powers and duties that are
10 vested by the General Laws, town by-laws or special acts in the following boards, departments
11 and offices or those having corresponding powers and duties in the town of Topsfield: road

12 commissioners, surveyors of highways, and superintendent of streets, which offices shall hereby
13 be abolished and the terms of any incumbents terminated. There shall be a highway
14 superintendent, appointed by the town administrator, who shall serve as the highway department
15 head.

16 (b) The park and cemetery department shall have all the powers and duties that are vested
17 by the General Laws, town by-laws or special acts in the following boards, departments and
18 offices or those having corresponding powers and duties in the town of Topsfield: park
19 commissioners, cemetery commissioners, and moth superintendent, which offices shall hereby
20 be abolished and the terms of any incumbents terminated. There shall be a park and cemetery
21 superintendent appointed by the town administrator, who shall serve as the park and cemetery
22 department head.

23 (c) The water department shall have all the powers and duties that are vested by the
24 General Laws, town by-laws or special acts in the following boards, departments and offices or
25 those having corresponding powers and duties in the town of Topsfield: water commissioners,
26 which office shall hereby be abolished and the terms of any incumbents terminated. There shall
27 be a water superintendent, appointed by the town administrator, who shall serve as the water
28 department head. Notwithstanding any other provision of this act to the contrary, the board of
29 selectmen shall be authorized to set water rates, provided, however, that such rates shall be set
30 only after receiving a recommendation from the water superintendent.

31 SECTION 3. During their tenure with the town, the department heads created under
32 section 2 of this act shall not hold elective office nor engage in a business or occupation relating
33 to matters within the jurisdiction of their respective departments unless approved in advance by

34 the board of selectmen. Nothing in this section shall prevent the department heads from serving
35 on committees in order to represent the town and their respective departments.

36 The town administrator may enter into an employment agreement with each department
37 head created under section 2 of this act to provide for the salary, fringe benefits and other
38 conditions of employment.

39 SECTION 4. (a) The incumbent members of the board of road commissioners, holding
40 office as of the effective date of this act, shall constitute an advisory committee to the town
41 administrator on the matters on which it is consulted falling within the jurisdiction of the highway
42 department. The members of said advisory committee may serve for a period equivalent to the
43 remainder of their elected term or their sooner vacating of the position; appointments to such
44 advisory board may be made from time to time at the discretion of the board of selectmen.

45 (b) The incumbent members of the park and cemetery commission, holding office as of
46 the effective date of this act, shall constitute an advisory committee to the town administrator, on
47 the matters on which it is consulted falling within the jurisdiction of the park and cemetery
48 department. The members of said advisory committee may serve for a period equivalent to the
49 remainder of their elected term or their sooner vacating of the position; appointments to such
50 advisory board may be made from time to time at the discretion of the board of selectmen.

51 (c) The incumbent members of the water commission, holding office as of the effective
52 date of this act, shall constitute an advisory committee to the town administrator, on the matters
53 on which it is consulted falling within the jurisdiction of the water department. The members of
54 said advisory committee may serve for a period equivalent to the remainder of their elected term

55 or their sooner vacating of the position; appointments to such advisory board may be made from
56 time to time at the discretion of the board of selectmen.

57 (d) All records, property and equipment of any office, department or agency or part of
58 any office, department or agency whose powers and duties were assigned by this act to the
59 highway department, park and cemetery department or water department shall be transferred
60 immediately as so provided. All official bonds, obligations, contracts and other instruments
61 entered into or executed by or on behalf of the town prior to the effective date of this act and all
62 taxes, assessments, fines, penalties and forfeitures incurred or imposed, due or owing to the town
63 shall be enforced and collected, shall continue without abatement and shall remain unaffected by
64 this act. No contracts or liabilities in force on the effective date of this act shall be affected by
65 this act or the abolition of any offices under this act.

66 (e) The highway department, park and cemetery department, and water department, for
67 matters under each department's respective jurisdiction, shall be the lawful successor of the
68 respective offices and departments abolished, consolidated or otherwise modified pursuant to this
69 act. No person in the regular permanent full-time or part-time service or employment of the town
70 in relation to the functions addressed in this act shall forfeit the rate of compensation, grade, step
71 or time of service because there shall be a highway department, a park and cemetery department
72 and a water department in the town of Topsfield to be under the general supervision and control
73 of the town administrator. Each such person shall be retained in a capacity as similar as may be
74 practicable to the person's former capacity. No collective bargaining agreement, contract or
75 liability in force on the effective date of this act shall be affected by this act.

76 SECTION 5. This act shall take effect on January 1, 2021.