

**HOUSE . . . . . No. 3960**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Aaron L. Saunders and Jacob R. Oliveira*

*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 the position of Town Manager in the town of Belchertown.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>6/16/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>6/20/2023</i>

**HOUSE . . . . . No. 3960**

By Representative Saunders of Belchertown and Senator Oliveira, a joint petition (accompanied by bill, House, No. 3960) of Aaron L. Saunders and Jacob R. Oliveira (by vote of the town) for legislation to establish the position of town manager in the town of Belchertown. Municipalities and Regional Government. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act establishing the position of Town Manager in the town of Belchertown.

*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. (a) There shall be a town manager in the town of Belchertown. The town  
2 manager shall be appointed by the Select Board for a term of not more than 3 years. The town  
3 manager shall be a person of demonstrated ability with administrative experience in public  
4 management or business administration and who is qualified by reason of education and  
5 experience.

6           The town manager shall devote full time to the duties of the office and shall not engage in  
7 any other business or occupation during the term of the town manager’s employment unless  
8 approved by the Select Board in advance. The town manager shall not hold elective office in the  
9 town during the town manager’s tenure as town manager; provided, however, that the Select  
10 Board may appoint the town manager to any non-elective office or position consistent with the  
11 responsibilities of the town manager and such an office or position shall be part of the position of  
12 town manager.

13           The Select Board shall annually set the compensation of the town manager in an amount  
14 of not more than that appropriated by town meeting for such purposes. Additional terms and  
15 conditions of employment may be established by contract between the Select Board and the town  
16 manager in accordance with section 108N of chapter 41 of the General Laws.

17           (b) The town manager of the town of Belchertown shall be the chief administrative  
18 officer of the town, responsible to the Select Board for the effective management of all town  
19 affairs placed in the town manager's charge by this act, by-law, the Select Board or town  
20 meeting. The town manager shall be responsible for the implementation of town policies  
21 established by the Select Board and shall be responsible for such duties as may be established by  
22 by-law or delegation from the select board. Without limiting the generality of the foregoing, the  
23 powers and duties of the town manager shall include, but not be limited to the following  
24 personnel management duties, financial management duties and administrative management  
25 duties:

26           (c) Personnel management duties shall include:

27           (i) appointing and removing members of multiple-member bodies, department heads,  
28 officers, subordinates and employees in accordance with policies and procedures established by  
29 the select board, and/or in applicable collective bargaining agreements, by-laws of the town or  
30 other applicable laws, except that the town manager shall not appoint employees of the school  
31 committee, the police chief, the fire chief and the library director; provided, however, that the  
32 town manager shall, prior to appointing a department head subject to the policy direction of a  
33 multiple-member body, consult with the multiple-member body; provided further, that the  
34 appointment or removal of a department head shall not take effect unless and until the

35 appointment is ratified and confirmed by the select board and all other appointments and  
36 removals shall take effect upon notice to the select board; and provided further, that all  
37 appointments and removals made by a temporary or acting town manager pursuant to subsection  
38 (c) shall be approved by the Select Board;

39 (ii) managing, supervising and being responsible for the efficient and coordinated  
40 administration of all town functions under the town manager's control by this act, by-law, town  
41 meeting or the Select Board, including all appointed officers and their respective departments,  
42 coordinating the activities of all town agencies, including those under the control of other  
43 officers and multiple-member bodies elected by the voters, and reasonably requiring persons so-  
44 elected or appointed, or their representatives, to meet with the town manager for such purposes  
45 or, at the town manager's request, to provide such information as may be necessary and  
46 appropriate to have available for purposes of such coordination;

47 (iii) inquiring or making an investigation, at any time, into the conduct of office or  
48 performance of duties of any officer or employee, department, board, commission or other town  
49 agency

50 (iv) being responsible for the town personnel system including, but not limited to,  
51 administering personnel policies and practices, rules and regulations, personnel by-laws and  
52 collective bargaining agreements. The Select Board shall be responsible for the formulation and  
53 promulgation of policy directives and guidelines to be followed by all town employees, but the  
54 Select Board and its members shall deal with officers and employees serving under the Town  
55 Manager, solely through the Town Manager and neither the Select Board nor any member of said  
56 board shall give orders or directions to any such officer or employee, either publicly or privately;

57 (v) fixing the compensation of all appointed officers and employees within the limits  
58 established by town meeting;

59 (vi) negotiating collective bargaining agreements and all other contracts involving any  
60 subject within the jurisdiction of the office of the town manager, including contracts with town  
61 employees, except employees of the school department, that involve wages, hours and other  
62 terms and conditions of employment; provided, however, that all such contracts shall be subject  
63 to ratification and execution by the Select Board;

64 (d) Financial management duties shall include:

65 (i) assuring that full and complete records of the financial and administrative activities of  
66 the town are kept and rendering, as often as may be required by the Select Board, a full report of  
67 all town administrative operations during the period reported on;

68 (ii) signing warrants for payment prepared and signed by the town accountant in  
69 accordance with section 56 of chapter 41 of the General Laws; provided, however, that 1 select  
70 person designated by vote of the Select Board shall approve all warrants for payment in the  
71 absence of the town manager or if an acting or interim town manager has been appointed in  
72 accordance with subsection (f);

73 (iii) The town manager shall be responsible for controlling all appropriated budget  
74 expenditures, which includes the power to approve or reject all warrants, including payroll, for  
75 the payment of town funds prepared by the town accountant in accordance with section 56 of  
76 chapter 41 of the General Laws.

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78 (iv) The town manager shall be responsible for the preparation of the proposed operating  
79 and capital improvement budgets to be approved by the select board and included in the annual  
80 town meeting warrant. The proposed budget shall be submitted to the select board, by the date  
81 established by the board. The proposed budget shall describe all actual or estimated revenue  
82 from all sources, and all actual or proposed expenditures, including debt service, for the  
83 previous, current, and ensuing fiscal years, and such other information as the select board may  
84 require.

85 (v) To assist the town manager in preparing the proposed annual budget of revenue and  
86 expenditures, all boards, officers, and committees of the town, including the school committee,  
87 shall furnish all relevant information in their possession and submit to the town manager, in  
88 writing, in such form as the town manager shall establish, a detailed estimate of the  
89 appropriations required and available funds.

90 (e) Administrative management duties shall include:

91 (i) attending all regular and special meetings of the Select Board unless excused in  
92 advance by the chair of the Select Board; provided, however, that the town manager shall have a  
93 voice, but shall not have a vote, in all of the proceedings of the Select Board;

94 (ii) keeping the Select Board fully advised concerning the status of all matters referred by  
95 the Select Board to the town manager and as to the needs of the town and recommending to the  
96 Select Board and other elected and appointed town officers and agencies such measures  
97 requiring action by them or town meeting as the town manager may deem necessary or desirable;

98 (iii) attending all town meetings and, as authorized by the moderator, answering  
99 questions that relate to matters over which the town manager exercises supervision;

100 (iv) having full jurisdiction over the rental and use of all town facilities and property,  
101 except property under the control of the school committee, conservation commission and board  
102 of library trustees; provided, however, that the town manager shall be responsible for the  
103 maintenance and repair of all town buildings and facilities placed under the town manager's  
104 control by this act, by-law, vote of town meeting or otherwise;

105 (v) establishing and maintaining a full and complete inventory of all real and personal  
106 property of the town;

107 (vi) serving as the chief procurement officer for purposes of chapter 30B of the General  
108 Laws and being responsible for purchasing all services, supplies, material and equipment for all  
109 departments and activities of the town, including execution of contracts therefor; provided,  
110 however, that the town manager shall examine, or cause to be examined, the quantity, quality  
111 and condition of all supplies, material and equipment delivered to or received by any town  
112 agency; provided further, that the town manager shall be responsible for the disposal of all  
113 supplies, material and equipment that have been declared surplus by any town agency; provided  
114 further, that all contracts for purchase of services, supplies, material and equipment negotiated by  
115 a temporary or acting town manager pursuant to subsection (c) shall be approved by the Select  
116 Board;

117 (vii) ensuring that all general laws and any special laws applicable to the town, town by-  
118 laws and other votes of town meeting and the Select Board that require enforcement by the town  
119 manager or officers subject to the direction and supervision of the town manager are faithfully  
120 executed, performed or otherwise carried out;

121 (viii) acting as the liaison with and representing the Select Board before state, federal and  
122 regional authorities;

123 (ix) delegating to any subordinate officer or employee authority to exercise any power or  
124 perform any function or duty that is assigned to the office of the town manager, except signing  
125 warrants for payment; provided, however, that all acts performed under any such delegation shall  
126 be acts of the town manager; and

127 (x) performing any other duties as are required to be performed by the town manager by  
128 town by-laws, town meeting, the Select Board or otherwise.

129 (f)(1) By letter filed with the town clerk and Select Board of the town of Belchertown,  
130 the town manager shall designate a qualified town administrative officer or employee as the  
131 acting town manager to exercise the powers and perform the duties of the town manager during a  
132 temporary absence or disability; provided, however, that the designation shall be for not more  
133 than 10 business days. Following the expiration of 10 business days, the Select Board may  
134 revoke the designation and appoint another qualified town administrative officer or employee to  
135 serve as the temporary town manager until the town manager returns. The powers of an acting  
136 town manager shall be limited to matters not permitting of delay and shall include authority to  
137 make temporary, emergency appointments or designations to town office or employment but not  
138 to make a permanent appointment or designation.

139 (2) A vacancy in the office of town manager shall be filled as soon as possible by the  
140 Select Board; provided, however, that pending a permanent appointment, the Select Board shall  
141 appoint a qualified town administrative officer or employee as the interim town manager to  
142 perform the duties of the town manager on an acting basis. Such appointment shall be for not

143 more than 6 months; provided, however, that the Select Board may renew the appointment once  
144 for not more than an additional 6 months. Compensation for the interim town manager shall be  
145 set by the Select Board within the appropriation made by town meeting for the office of town  
146 manager.

147 (g) The Select Board may terminate, remove or suspend the town manager; provided,  
148 however, that further conditions applicable to termination, removal and suspension may be  
149 addressed by the terms of a contract between the Select Board and the town manager.

150 SECTION 2. The office of the town administrator of the town of Belchertown shall be  
151 abolished upon the effective date of this act and the office of the town manager shall in all  
152 respects be its lawful successor. The town administrator holding office as of the effective date of  
153 this act shall become the first town manager of the town and shall serve for a period of time  
154 equivalent to the remainder of the town administrator's appointed term or until the position is  
155 otherwise vacated, whichever occurs first. Thereafter, a town manager shall be appointed by the  
156 Select Board in accordance with subsection (a) of section 1; provided, however, that a person's  
157 previous service as the town administrator shall not disqualify the person from being appointed  
158 as the town manager pursuant to this act.

159 SECTION 3. This act shall take effect upon its passage.