SENATE DOCKET, NO. 1658 FILED ON: 1/19/2023

SENATE . . . . . No. 1297

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

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 authorizing the town of Wales to establish a department of public works.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Ryan C. Fattman	*Worcester and Hampden*	
Todd M. Smola	*1st Hampden*	*4/10/2023*

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SENATE . . . . . No. 1297

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1297) of Ryan C. Fattman (by vote of town) for legislation to establish a department of public works in the town of Wales. Municipalities and Regional Government. [Local approval received]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2441* OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act authorizing the town of Wales to establish a department of public works.

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. Notwithstanding any general or specific law, rule or regulation to the contrary, there shall be a department of public works in the Town of Wales. The select board shall appoint a department of public works director, to serve at its discretion, and may remove the director after opportunity for a hearing. The director shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town road commissioners. Additionally, the department shall exercise the powers and duties of public works operations of the town not assigned to other departments of the town. The Board of Selectmen may establish an employment contract, subject to annual appropriation, with the director for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties

of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2. The department of public works established by section 1 of this act may, by bylaw, be granted additional operational powers and duties; provided, however, that all policy making functions assigned to a particular officer or board by statute shall remain the responsibility of such officer or board. Such operational powers and duties could include, but not be limited to: park and recreation construction and maintenance; tree and moth; building and grounds maintenance at municipal buildings, excluding the school department; other related construction and operations assigned from time to time by bylaw as the town meeting considers necessary or desirable.

SECTION 3. Upon the effective date of this act, the elected office of road commissioner shall be abolished and the term of the incumbent of such office terminated. Notwithstanding the foregoing, the elected incumbent holding the office of road commissioner on the effective date of this act shall serve as the first appointed road commissioner and perform the duties of such office until the expiration of the term for which the Town road commissioner was elected or sooner vacates the office and until a director is appointed by the Board of Selectmen in accordance with section 1 of this act.

SECTION 4. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of road commissioner or the creation of the appointed office of department of public works director who shall be the lawful successor of the office so abolished. All records, property and equipment of the offices of the elected road

commissioner shall, by operation of law, be assigned to the office of the appointed department of public works director as of the effective date of this act.

SECTION 5. This act shall take effect upon its passage.