HOUSE DOCKET, NO. 6247 FILED ON: 6/24/2026

HOUSE . . . . . No. 5593

The Commonwealth of Massachusetts

PRESENTED BY:

Sally P. Kerans and 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 amending the town manager act for the town of Danvers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Sally P. Kerans	*13th Essex*	*6/24/2026*

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HOUSE . . . . . No. 5593

By Representative Kerans of Danvers and Senator Lovely, a joint petition (accompanied by bill, House, No. 5593) of Sally P. Kerans (by vote of the town) relative to the town manager in the town of Danvers. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act amending the town manager act for the town of Danvers.

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. Chapter 222 of the acts of 1997 is hereby repealed.

SECTION 2. The regular annual town election, hereinafter referred to as the "annual election" in the town of Danvers for the purpose of electing select board members, members of the school committee and members of the housing authority required to be elected under this act, and the board of trustees of the Peabody Institute Library, the town moderator and town meeting members required to be elected under the provisions of chapter 294 of the acts of 1930, the town meeting act of the town of Danvers, shall be held annually on the first Tuesday in May. All articles in the warrant to be decided otherwise than by ballot shall be considered at the annual town meeting, to be held on the third Monday in May. Any vacancies on the board of trustees of the Peabody Institute Library caused by death, resignation, change of residence from the town of Danvers, disqualification, recall or otherwise shall be promptly filled by vote of the remaining

members of the board of trustees until the next annual election, at which the voters shall elect a new trustee for the remainder of the unexpired term.

SECTION 3. The select board shall consist of 5 members who shall be elected for staggered 3-year terms. At each annual election, the voters shall elect 1 or more select board members, as the case may be, for 3-year terms to replace those whose terms are about to expire. When a vacancy occurs on the select board by reason of death, resignation, change of residence from the town of Danvers, disqualification or otherwise, the remaining select board members shall have the power to fill the vacancy until the next annual election, at which the voters shall elect a select board member for the remainder of the unexpired term. Before entering upon the duties of their office, the select board members shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

SECTION 4. The select board shall appoint and may remove the town accountant, members of the zoning board of appeals, election officers and registrars of voters, except the town clerk. The select board shall appoint and may remove a town manager or temporary town manager in accordance with the provisions of sections 9, 10, and 12. Select board members shall carry out all other powers conferred upon them by law. Select board members shall serve ex-officio as at-large town meeting members.

SECTION 5. The school committee shall consist of 5 members who shall be elected for staggered 3-year terms. At each annual election, the voters shall elect 1 or more school committee members, as the case may be, for 3-year terms to replace those whose terms are about to expire. When a vacancy occurs on the school committee by reason of death, resignation, change of residence from the town of Danvers, disqualification or otherwise, the remaining

members of the school committee shall have the power to fill the vacancy until the next annual election, at which the voters shall elect a member of the school committee for the remainder of the unexpired term. Before entering upon the duties of their office, the school committee members shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

SECTION 6. All of the powers, rights, duties and liabilities, except as hereinafter provided, now or hereafter conferred or imposed by law upon the school committee shall be exercised and performed by the school committee. Nothing in this act shall be construed to affect the powers and duties of the school committee as provided by law, except as specifically provided herein.

SECTION 7. No person shall hold more than 1 elected or appointed position in the town unless multiple office holding is in accordance with the General Laws. The town manager, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office, which the town manager is authorized to fill by appointment.

SECTION 8. For the purpose of making investigations or surveys, the select board may employ such experts, counsel and other assistants and incur such other expenses, not exceeding in any year a sum equal to 0.02 per cent of that year's annual town budget, or such larger sum as may be appropriated for the purpose by the majority vote of town meeting, as they may deem necessary, and the same shall be paid by the town treasurer upon a warrant signed by the majority of the select board.

SECTION 9. The select board elected as provided herein shall appoint for a term of 5 years, a town manager who shall be a person especially fitted by education, training and

experience to perform the duties of the office. The town manager shall be appointed without regard to their political beliefs. The town manager shall not be required to be a resident of the town of Danvers, but shall be required to be a resident of the commonwealth during the term of office thereof. The town manager may be appointed for successive terms of office. Before entering upon the duties of the office of town manager, the town manager shall be sworn to the faithful and impartial performance thereof by the chair of the select board, town clerk or a justice of the peace.

SECTION 10. In the event the town manager position becomes vacant, the position shall be filled as soon as possible by the select board. Pending the appointment of a town manager or the filling of any such vacancy, the select board may appoint a suitable person to perform the duties of the office. A person appointed to serve as temporary town manager may be appointed to an initial term as such temporary town manager not to exceed 6 months and may be reappointed to 1 additional term not to exceed 6 months.

SECTION 11. The town manager may, by letter filed with the town clerk, designate a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. In the event of the failure of the town manager to make such designation, the select board may, by resolution, designate an officer of the town to perform the duties of the town manager until the town manager resumes full responsibilities of the office.

SECTION 12. The select board may, by a majority vote of the full membership of the select board, remove the town manager from duty. In the event that the town manager's removal is for cause, the town manager shall be paid only in accordance with the terms of their employment contract. This would mean pay up until the effective last day worked and pay for

any unused earned time. In the event that the town manager's removal is without cause, the select board shall pay the town manager any unpaid balance of the salary due at the time of such removal, which is the effective last day worked, in accordance with the terms of their contract. The select board may, at its discretion, pay the town manager's salary thereof for up to the next 3 calendar months.

SECTION 13. The town manager shall receive such compensation for services as town manager as the select board shall determine, but such compensation shall not exceed the amount appropriated therefore by the town.

SECTION 14. In addition to the specific powers and duties provided in this act, the town manager shall have the general powers and duties set forth below:

(a) The town manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the select board, the school committee, the zoning board of appeals, the trustees of the Peabody Institute Library, election officers and the registrars of voters.

(b) The town manager may, in accordance with this act and except as otherwise expressly prohibited by the General Laws, reorganize, consolidate or abolish departments, commissions, boards or offices under the direction and supervision of the town manager, in whole or in part, and may establish such new departments, commissions, boards or offices as may be deemed necessary by the town manager and, in so doing, the town manager may transfer the duties, powers and appropriations of 1 department, commission, board or officer to another. The town manager shall notify the select board of such change no later than 14 days after taking such action.

(c) Except as otherwise provided in this act, the town manager shall appoint upon merit and fitness alone and, subject to chapter 31 of the General Laws where applicable, may remove officers and employees of the town, except employees of the school department and the Peabody Institute Library; provided, however, that town officers and employees, not subject to said chapter 31, shall not be removed by the town manager except on 5 days' notice, in writing, setting forth cause for such removal, unless otherwise provided in any applicable collective bargaining agreement. The town manager shall notify the select board no later than 14 days after taking such action.

(d) Notwithstanding section 108 of chapter 41 of the General Laws, but subject to chapter 31 of the General Laws, the town manager shall fix the compensation of all town officers and employees subject to removal by the town manager. The town manager shall notify the select board on an annual basis of the compensation of all town officers and employees subject to removal by the town manager.

(e) The town manager shall attend all regular meetings of the select board except meetings at which removal of the town manager is being considered.

(f) The town manager shall keep full and complete records of the office of town manager and shall render, as often as may be required by the select board, a report of operations during the period reported on.

(g) The town manager shall keep the select board fully advised as to the needs of the town and shall recommend to the select board for adoption such measures requiring action by them or by the town as may be deemed necessary or expedient by the town manager.

(h) The town manager shall have jurisdiction over the rental and use of all town property, except school property, and shall be responsible for: (i) the maintenance and repair of all town buildings, including school buildings; (ii) the preparation of plans for work on existing buildings and on new buildings, except school buildings; and (iii) the supervision of all work on existing buildings and new buildings, including work on school buildings done in accordance with plans and specifications prepared by the school committee.

(i) The town manager shall purchase all supplies and materials and equipment, except books for schools, and shall award all contracts for all departments of the town and for the Peabody Institute Library. The town manager shall make purchases for departments not under the supervision of the town manager only upon requisition duly signed by the head of such department.

(j) The town manager shall administer either directly or through persons appointed by them, in accordance with this act, all provisions of general and special laws applicable to the town, all town by-laws and all regulations established by the select board.

(k) The town manager shall have the authority to prosecute, defend and compromise all litigation to which the town is a party and to employ special counsel to assist the town counsel whenever, in the judgment of the town manager, it may be necessary. The town manager shall keep the select board informed regarding any such litigation, in a timely manner.

(l) The town manager shall perform such other duties, consistent with the office, as may be required by: (i) town by-laws; (ii) vote of the town; or (iii) vote of the select board.

SECTION 15. The town manager may, without notice, cause the affairs of any division or department under their control or the conduct of any officer or employee thereof to be

examined. The town manager shall have access to all town books and papers for information necessary for the proper performance of their duties.

SECTION 16. The town manager shall appoint a planning board to consist of 5 members who shall serve for staggered 3-year terms. If for any reason a vacancy occurs in the membership of the planning board, the vacancy shall be filled forthwith by the town manager for the unexpired term. The members of the planning board appointed hereunder shall organize for the proper conduct of their duties and shall possess all of the powers and duties of planning boards established in section 81A of chapter 41 of the General Laws. Before entering upon the duties of their office, planning board members shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

SECTION 17. Pursuant to this act and chapter 111 of the General Laws, the town manager shall appoint a board of health to consist of 3 suitably qualified persons who shall serve for staggered 3-year terms. If for any reason a vacancy occurs in the membership of the board of health, such vacancy shall be filled forthwith by the town manager for the unexpired term. The members of the board of health appointed hereunder shall: (i) organize for the proper conduct of their duties; (ii) possess all of the powers and rights; (iii) be subject to all of the duties and liabilities conferred or imposed by law upon boards of health of towns, but, in the performance of their duties, the board of health shall be subject to the general supervision and direction of the town manager. Before entering upon the duties of their office, members of the board of health shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

SECTION 18. The town manager shall appoint a municipal light board to consist of 3 suitably qualified persons to serve for staggered 3-year terms. If for any reason a vacancy occurs

in the membership of the municipal light board, the vacancy shall be filled forthwith by the town manager for the unexpired term. The members of the municipal light board appointed hereunder shall: (i) organize for the proper conduct of their duties; (ii) possess all of the powers and rights; and (iii) be subject to all of the duties and liabilities conferred or imposed by law upon municipal light boards, but, in the performance of their duties, the municipal light board shall be subject to the general supervision and direction of the town manager. Before entering upon the duties of their office, members of the municipal light board shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

SECTION 19. Pursuant to section 24 of chapter 41 of the General Laws, the town manager shall appoint a board of assessors to consist of a principal assessor and 2 other assessors who shall serve for staggered 3-year terms. The principal assessor shall devote full time and attention to the duties of the office of principal assessor and shall be the chair of the board of assessors. If for any reason a vacancy occurs in the membership of the board of assessors, such vacancy shall be filled forthwith by the town manager for the unexpired term. The principal assessor and assessors appointed hereunder shall: (i) organize for the proper conduct of their duties; (ii) possess all of the powers and rights; and (iii) be subject to all of the duties and liabilities conferred or imposed by law upon assessors of towns, but, in the performance of their duties, the board of assessors shall be subject to the general supervision and direction of the town manager. Before entering upon the duties of their office, assessors shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

SECTION 20. The town manager shall appoint a suitably qualified person to the office of town clerk. The town clerk shall have the powers, perform all of the duties and be subject to all of the liabilities and penalties now or hereafter conferred or imposed by law upon town clerks.

The town clerk shall be subject to the general supervision and direction of the town manager in the performance of their duties. The town clerk shall serve ex-officio as clerk of the select board. Before entering upon the duties of their office, the town clerk shall be sworn to the faithful performance thereof by the chair of the select board or a justice of the peace.

SECTION 21. The town manager shall appoint a suitably qualified person to the office of town treasurer. The town treasurer shall have all of the powers, perform all of the duties and be subject to all of the liabilities and penalties now or hereafter conferred or imposed by law upon town treasurers; provided, however, that in the conduct of their office, the town treasurer shall be subject to the supervision and direction of the town manager. Whenever it shall be necessary to execute any deed conveying land or any other instrument required to effect any vote of the town, the same shall be executed by the town treasurer on behalf of the town unless the town shall vote otherwise. Before entering upon the duties of their office, the town treasurer shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

SECTION 22. The town manager shall appoint a suitably qualified person to the office of collector of taxes. The collector of taxes shall have the powers, perform all of the duties and be subject to all of the liabilities and penalties now or hereafter conferred or imposed by law upon collectors of taxes; provided, however, that in the performance of their duties, the collector of taxes shall be subject to the general supervision and direction of the town manager. Before entering upon the duties of their office, the collector of taxes shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

SECTION 23. The town manager shall appoint a board of water and sewer commissioners to consist of 3 suitably qualified persons to serve for staggered 3-year terms. If

for any reason a vacancy occurs in the membership of the board of water and sewer commissioners, such vacancy shall be filled forthwith by the town manager for the unexpired term. The board of water and sewer commissioners appointed hereunder shall: (i) organize for the proper conduct of their duties; (ii) possess all of the powers and rights; and (iii) be subject to all of the duties and liabilities conferred or imposed upon water and sewer commissioners by chapter 191 of the acts of 1874 and chapter 229 of the acts of 1916, but, in the performance of their duties, the board of water and sewer commissioners shall be subject to the general supervision and direction of the town manager. Before entering upon the duties of their office, the board of water and sewer commissioners shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

SECTION 24. The town manager shall appoint a board of commissioners of trust funds to consist of 3 suitably qualified persons to serve for staggered 3-year terms. If for any reason a vacancy occurs in the membership of the board of commissioners of trust funds, such vacancy shall be filled forthwith by the town manager for the unexpired term. The members of the board of commissioners of trust funds appointed hereunder shall: (i) organize for the proper conduct of their duties; (ii) possess all of the powers and rights; (iii) be subject to all of the duties and liabilities conferred or imposed by section 45 of chapter 41 of the General Laws or any other applicable provisions imposed upon boards of commissioners of trust funds of towns, but, in the performance of their duties, the board of commissioners of trust funds shall be subject to the general supervision and direction of the town manager. Before entering upon the duties of their office, the board of commissioners of trust funds shall be sworn to the faithful performance of their duties by the town clerk or a justice of the peace.

SECTION 25. The town manager shall appoint a suitably qualified person to the office of tree warden. The tree warden shall have all of the powers, perform the duties and be subject to all of the liabilities and penalties now or hereafter conferred or imposed by law upon tree wardens, but, in the conduct of their office, the tree warden shall be subject to the supervision and direction of the town manager. Before entering upon the duties of their office, the tree warden shall be sworn to the faithful performance thereof by the town Ccerk or a justice of the peace.

SECTION 26. The town manager shall appoint an attorney or law firm to act as town counsel for a term not to exceed 3 years. Upon initial appointment and once in each subsequent 3-year period, the town manager's appointment of the town counsel shall be subject to ratification by the select board. The town counsel shall perform such legal services, including written opinions, as may be required by law, vote of the town meeting, the town manager or any board of town officers. The town counsel shall at all times, upon request of the Town Manager, furnish legal advice, counsel and an opinion to any officer of the town who may require advice upon any subject concerning the duties of such officer. The town counsel shall: (i) prosecute all suits and other legal proceedings ordered to be brought by the town or the town manager; (ii) defend all actions or suits brought against the town or its officers in their official capacity; (iii) try and argue any and all causes in which the town shall be a party before any court, board of referees or commission; and (iv) appear at any and all hearings on behalf of the town whenever such services may be required. Before entering upon the duties of their office, the town counsel shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

SECTION 27. The town manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant shall, in accordance with section 56 of chapter 41 of the General Laws, be submitted to the town manager. The approval of such

warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the select board shall approve all warrants in the event of the absence of the town manager or a vacancy in the office of town manager.

SECTION 28. Whenever any payroll, bill or other claim against the town is presented to the town manager, the town manager shall, if the same seems to be of doubtful validity, excessive in amount or otherwise contrary to the interests of the town, refer it to the select board who shall immediately investigate the facts and determine what, if any, payment shall be made. Pending such investigation and determination by the select board, payment shall be withheld.

SECTION 29. Every officer shall pay into the treasury of the town all amounts received on behalf of the town and shall make a true return thereof to the town accountant stating the accounts upon which such amounts were received.

SECTION 30. The aggregate annual compensation of each town employee appointed by the town manager shall be limited to the amount established in accordance with this act and all fees received in accordance with any general or special law shall be paid in to the treasury of the town.

SECTION 31. All officers, board and committee members and employees, whether elected or appointed, shall comply with chapter 268A of the General Laws.

SECTION 32. On or before March 1st of each year, the town manager shall submit to the select board a careful, detailed estimate in writing of the probable expenditures of the town government for the ensuing year stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town. The estimate shall also show the amount necessary to be provided for each fund and department, together with a statement of the

expenditures of the town for the same purposes in the 2 preceding years and an estimate of the expenditures for the current year. The town manager shall also submit to the select board a statement showing all revenues received by the town in the preceding fiscal year and an estimate of the amount of income from all sources of revenue exclusive of taxes on property in the ensuing year. The town manager shall report to the select board the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise such amount. For the purpose of enabling the town manager to make up the annual estimate of expenditures, all boards, officers and committees of the town shall, upon the town manager's written request, furnish all information in their possession and submit to the town manager a detailed written estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

SECTION 33. The select board shall consider the tentative budget submitted by the town manager and make such recommendations relative thereto as they deem expedient and proper in the interests of the town. On or before April 1st of each year, the select board shall transmit a copy of the budget, together with its recommendations relative thereto, to each member of the finance committee.

SECTION 34. (a) There shall be a finance committee to consist of 9 members, who shall not be town meeting members, to be appointed by the town moderator to serve for staggered 3-year terms. Within 30 days after each annual town meeting, 3 members of the finance committee shall be appointed by the town moderator to serve for 3-year terms. If for any reason a vacancy occurs on the finance committee, such vacancy shall be filled by the town moderator for the unexpired term. Before entering upon the duties of their office, finance committee members shall

be sworn to the faithful and impartial performance thereof by the town clerk or a justice of the peace.

(b) All questions pertaining to the appropriation or expenditure of money, the creation of debt, the disposition of town property and all other questions affecting the town shall be referred to the finance committee for the purpose of making recommendations to own meeting, but nothing in this section shall be construed to prohibit the appointment of special committees to investigate matters pertaining to the town or to execute work authorized by the finance committee. The finance committee shall have the power to consult with such departments, officers, employees and committees as may have information concerning any matters under consideration and it shall be the duty of all departments, officers, employees or committees to furnish such information as they possess that may be required by the finance committee. The finance committee shall have the power to examine, in connection with any subject under investigation or consideration, all books, vouchers, papers and other instruments in the custody or possession of any officer, employee or agent of the town.

(c) Before making recommendations under each article of the warrant, the finance committee shall hold public hearings in relation thereto after first notifying the select board, town manager and town meeting members of the time and place of such hearing. Town meeting members and all residents of the town are welcome and encouraged to attend such finance committee meetings. The finance committee shall report in writing to the town meeting all of its recommendations under the various articles of the warrant. The recommendation reported by the finance committee under any article shall be treated in the town meeting as a motion under the article. The recommendation shall be subject to amendment by a majority of the town meeting members voting on the motion to amend. If there shall be a majority and a minority report of the

finance committee, the minority report shall have precedence over all other motions to amend the report of the finance committee.

SECTION 35. This act shall be reviewed by the town of Danvers at least once in every 20 years, or sooner, as decided by a majority vote of the town meeting members at an annual or special town meeting. Upon the vote by town meeting to review this act, the town moderator shall promptly appoint a committee of residents of the town of Danvers to conduct said review.

SECTION 36. This act shall take effect upon its passage.