

HOUSE No.

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:
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>6/24/2026</i>

HOUSE No.

[Pin Slip]

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:

1 SECTION 1. Chapter 222 of the acts of 1997 is hereby repealed.

2 SECTION 2. The regular annual town election, hereinafter referred to as the “annual
3 election” in the town of Danvers for the purpose of electing select board members, members of
4 the school committee and members of the housing authority required to be elected under this act,
5 and the board of trustees of the Peabody Institute Library, the town moderator and town meeting
6 members required to be elected under the provisions of chapter 294 of the acts of 1930, the town
7 meeting act of the town of Danvers, shall be held annually on the first Tuesday in May. All
8 articles in the warrant to be decided otherwise than by ballot shall be considered at the annual
9 town meeting, to be held on the third Monday in May. Any vacancies on the board of trustees of
10 the Peabody Institute Library caused by death, resignation, change of residence from the town of
11 Danvers, disqualification, recall or otherwise shall be promptly filled by vote of the remaining
12 members of the board of trustees until the next annual election, at which the voters shall elect a
13 new trustee for the remainder of the unexpired term.

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

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

29 SECTION 5. The school committee shall consist of 5 members who shall be elected for
30 staggered 3-year terms. At each annual election, the voters shall elect 1 or more school
31 committee members, as the case may be, for 3-year terms to replace those whose terms are about
32 to expire. When a vacancy occurs on the school committee by reason of death, resignation,
33 change of residence from the town of Danvers, disqualification or otherwise, the remaining
34 members of the school committee shall have the power to fill the vacancy until the next annual
35 election, at which the voters shall elect a member of the school committee for the remainder of
36 the unexpired term. Before entering upon the duties of their office, the school committee

37 members shall be sworn to the faithful performance thereof by the town clerk or a justice of the
38 peace.

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

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

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

54 SECTION 9. The select board elected as provided herein shall appoint for a term of 5
55 years, a town manager who shall be a person especially fitted by education, training and
56 experience to perform the duties of the office. The town manager shall be appointed without
57 regard to their political beliefs. The town manager shall not be required to be a resident of the
58 town of Danvers, but shall be required to be a resident of the commonwealth during the term of

59 office thereof. The town manager may be appointed for successive terms of office. Before
60 entering upon the duties of the office of town manager, the town manager shall be sworn to the
61 faithful and impartial performance thereof by the chair of the select board, town clerk or a justice
62 of the peace.

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

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

74 SECTION 12. The select board may, by a majority vote of the full membership of the
75 select board, remove the town manager from duty. In the event that the town manager's removal
76 is for cause, the town manager shall be paid only in accordance with the terms of their
77 employment contract. This would mean pay up until the effective last day worked and pay for
78 any unused earned time. In the event that the town manager's removal is without cause, the
79 select board shall pay the town manager any unpaid balance of the salary due at the time of such
80 removal, which is the effective last day worked, in accordance with the terms of their contract.

81 The select board may, at its discretion, pay the town manager's salary thereof for up to the next 3
82 calendar months.

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

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

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

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

100 (c) Except as otherwise provided in this act, the town manager shall appoint upon merit
101 and fitness alone and, subject to chapter 31 of the General Laws where applicable, may remove
102 officers and employees of the town, except employees of the school department and the Peabody

103 Institute Library; provided, however, that town officers and employees, not subject to said
104 chapter 31, shall not be removed by the town manager except on 5 days' notice, in writing,
105 setting forth cause for such removal, unless otherwise provided in any applicable collective
106 bargaining agreement. The town manager shall notify the select board no later than 14 days after
107 taking such action.

108 (d) Notwithstanding section 108 of chapter 41 of the General Laws, but subject to chapter
109 31 of the General Laws, the town manager shall fix the compensation of all town officers and
110 employees subject to removal by the town manager. The town manager shall notify the select
111 board on an annual basis of the compensation of all town officers and employees subject to
112 removal by the town manager.

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

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

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

121 (h) The town manager shall have jurisdiction over the rental and use of all town property,
122 except school property, and shall be responsible for: (i) the maintenance and repair of all town
123 buildings, including school buildings; (ii) the preparation of plans for work on existing buildings
124 and on new buildings, except school buildings; and (iii) the supervision of all work on existing

125 buildings and new buildings, including work on school buildings done in accordance with plans
126 and specifications prepared by the school committee.

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

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

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

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

141 SECTION 15. The town manager may, without notice, cause the affairs of any division
142 or department under their control or the conduct of any officer or employee thereof to be
143 examined. The town manager shall have access to all town books and papers for information
144 necessary for the proper performance of their duties.

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

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

163 SECTION 18. The town manager shall appoint a municipal light board to consist of 3
164 suitably qualified persons to serve for staggered 3-year terms. If for any reason a vacancy occurs
165 in the membership of the municipal light board, the vacancy shall be filled forthwith by the town
166 manager for the unexpired term. The members of the municipal light board appointed hereunder
167 shall: (i) organize for the proper conduct of their duties; (ii) possess all of the powers and rights;

168 and (iii) be subject to all of the duties and liabilities conferred or imposed by law upon municipal
169 light boards, but, in the performance of their duties, the municipal light board shall be subject to
170 the general supervision and direction of the town manager. Before entering upon the duties of
171 their office, members of the municipal light board shall be sworn to the faithful performance
172 thereof by the town clerk or a justice of the peace.

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

185 SECTION 20. The town manager shall appoint a suitably qualified person to the office of
186 town clerk. The town clerk shall have the powers, perform all of the duties and be subject to all
187 of the liabilities and penalties now or hereafter conferred or imposed by law upon town clerks.
188 The town clerk shall be subject to the general supervision and direction of the town manager in
189 the performance of their duties. The town clerk shall serve ex-officio as clerk of the select board.

190 Before entering upon the duties of their office, the town clerk shall be sworn to the faithful
191 performance thereof by the chair of the select board or a justice of the peace.

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

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

208 SECTION 23. The town manager shall appoint a board of water and sewer
209 commissioners to consist of 3 suitably qualified persons to serve for staggered 3-year terms. If
210 for any reason a vacancy occurs in the membership of the board of water and sewer
211 commissioners, such vacancy shall be filled forthwith by the town manager for the unexpired

212 term. The board of water and sewer commissioners appointed hereunder shall: (i) organize for
213 the proper conduct of their duties; (ii) possess all of the powers and rights; and (iii) be subject to
214 all of the duties and liabilities conferred or imposed upon water and sewer commissioners by
215 chapter 191 of the acts of 1874 and chapter 229 of the acts of 1916, but, in the performance of
216 their duties, the board of water and sewer commissioners shall be subject to the general
217 supervision and direction of the town manager. Before entering upon the duties of their office,
218 the board of water and sewer commissioners shall be sworn to the faithful performance thereof
219 by the town clerk or a justice of the peace.

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

232 SECTION 25. The town manager shall appoint a suitably qualified person to the office of
233 tree warden. The tree warden shall have all of the powers, perform the duties and be subject to all
234 of the liabilities and penalties now or hereafter conferred or imposed by law upon tree wardens,

235 but, in the conduct of their office, the tree warden shall be subject to the supervision and
236 direction of the town manager. Before entering upon the duties of their office, the tree warden
237 shall be sworn to the faithful performance thereof by the town Ccerk or a justice of the peace.

238 SECTION 26. The town manager shall appoint an attorney or law firm to act as town
239 counsel for a term not to exceed 3 years. Upon initial appointment and once in each subsequent
240 3-year period, the town manager's appointment of the town counsel shall be subject to
241 ratification by the select board. The town counsel shall perform such legal services, including
242 written opinions, as may be required by law, vote of the town meeting, the town manager or any
243 board of town officers. The town counsel shall at all times, upon request of the Town Manager,
244 furnish legal advice, counsel and an opinion to any officer of the town who may require advice
245 upon any subject concerning the duties of such officer. The town counsel shall: (i) prosecute all
246 suits and other legal proceedings ordered to be brought by the town or the town manager; (ii)
247 defend all actions or suits brought against the town or its officers in their official capacity; (iii)
248 try and argue any and all causes in which the town shall be a party before any court, board of
249 referees or commission; and (iv) appear at any and all hearings on behalf of the town whenever
250 such services may be required. Before entering upon the duties of their office, the town counsel
251 shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

252 SECTION 27. The town manager shall be the chief fiscal officer of the town. Warrants
253 for the payment of town funds prepared by the town accountant shall, in accordance with section
254 56 of chapter 41 of the General Laws, be submitted to the town manager. The approval of such
255 warrant by the town manager shall be sufficient authority to authorize payment by the town
256 treasurer, but the select board shall approve all warrants in the event of the absence of the town
257 manager or a vacancy in the office of town manager.

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

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

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

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

272 SECTION 32. On or before March 1st of each year, the town manager shall submit to the
273 select board a careful, detailed estimate in writing of the probable expenditures of the town
274 government for the ensuing year stating the amount required to meet the interest and maturing
275 bonds and notes or other outstanding indebtedness of the town. The estimate shall also show the
276 amount necessary to be provided for each fund and department, together with a statement of the
277 expenditures of the town for the same purposes in the 2 preceding years and an estimate of the
278 expenditures for the current year. The town manager shall also submit to the select board a
279 statement showing all revenues received by the town in the preceding fiscal year and an estimate

280 of the amount of income from all sources of revenue exclusive of taxes on property in the
281 ensuing year. The town manager shall report to the select board the probable amount required to
282 be levied and raised by taxation to defray all expenses and liabilities of the town together with an
283 estimate of the tax rate necessary to raise such amount. For the purpose of enabling the town
284 manager to make up the annual estimate of expenditures, all boards, officers and committees of
285 the town shall, upon the town manager's written request, furnish all information in their
286 possession and submit to the town manager a detailed written estimate of the appropriations
287 required for the efficient and proper conduct of their respective departments during the next
288 fiscal year.

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

294 SECTION 34. (a) There shall be a finance committee to consist of 9 members, who shall
295 not be town meeting members, to be appointed by the town moderator to serve for staggered 3-
296 year terms. Within 30 days after each annual town meeting, 3 members of the finance committee
297 shall be appointed by the town moderator to serve for 3-year terms. If for any reason a vacancy
298 occurs on the finance committee, such vacancy shall be filled by the town moderator for the
299 unexpired term. Before entering upon the duties of their office, finance committee members shall
300 be sworn to the faithful and impartial performance thereof by the town clerk or a justice of the
301 peace.

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

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

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

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