

HOUSE No. 4882

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn Dykema, Karen E. Spilka

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 passage of the accompanying bill:

An Act Abolishing the Board of Public Works in the Town of Hopkinton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carolyn Dykema	8th Middlesex
Karen E. Spilka	Second Middlesex and Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act Abolishing the Board of Public Works in the Town of Hopkinton.

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 375 of the acts of 1998 is hereby further amended by striking out section 1, as
2 amended by section 1 of chapter 262 of the acts of 2006, and inserting in place thereof the following
3 section:

4 Section 1. There is hereby established in the town of Hopkinton a department of public works,
5 hereinafter called “the department”, which shall be under the supervision and control of the town
6 manager, except for those powers and duties assigned under this chapter to the board of selectmen,
7 hereinafter called “the board.”

8 **SECTION 2.** Chapter 375 of the acts of 1998 is hereby further amended by striking out section 4, as
9 amended by section 2 of chapter 262 of the acts of 2006, and inserting in place thereof the following
10 section:

11 Section 4. The board shall have the exclusive authority to establish rates, fees and other charges for such
12 services, programs and other public benefits as may have come within the jurisdictions of any of the
13 boards, departments or offices which have been abolished by this act. The town manager shall appoint
14 and, subject to appropriation, fix the compensation of a director of public works, who shall exercise and
15 perform, under the supervision and direction of the town manager, such of the powers, rights and duties
16 which have been transferred to the department hereunder as he may from time to time designate. The
17 director shall be responsible for the efficient exercise and performance of such powers, rights and duties
18 and shall hold office subject to the will of the town manager. The director shall be specifically fitted by
19 education, training and experience to perform the duties of the office and may or may not be a resident of
20 the town. Except as otherwise set forth herein, during the director's tenure, he shall hold no elective or
21 other appointive office, nor shall he be engaged in any other business or occupation. The director shall,
22 subject to the approval of the board, appoint such assistants, agents and employees as the exercise and
23 performance of his powers, rights and duties may require. The director shall keep full and complete
24 records of the doings of his office and render to the board as often as it may require a full report of all
25 operations under his control during the period reporting upon.

26 | **SECTION 3.** Chapter 375 of the acts of 1998 is hereby further amended by striking out section 10 and
27 | inserting in place thereof the following section:

28 | Section 10. The town manager shall appoint the director for a term of from one to three years
29 | commencing on July 1 and expiring on June 30; provided, however, that the initial term of such director
30 | shall commence on the date of appointment by the town manager and terminate on the next following
31 | June 30. The town manager may remove the director when in its judgment the public interest so requires.
32 | The director shall not be subject to the provisions of section 9A of chapter 30 or chapter 31 of the General
33 | Laws.

34 | **SECTION 4.** Section 3 of chapter 262 of the acts of 2006 is repealed.

35 | **SECTION 5.** Chapter 136 of the acts of 2009 is repealed.

36 | **SECTION 6.** This act shall take effect upon its passage.