

## Massachusetts House of Representatives Bill Summary

**Bill #:** H.4030

**Title:** An Act relative to the organization and governance structure of the town of Rochester

**Sponsor:** Rep. Mark Sylvia and Sen. Michael Rodrigues

**Committee:** Municipalities and Regional Government

**Hearing Date:** 5/13/25

**Current Law:** MGL Chapter 48, Section 42 concerns the establishment of fire departments; appointment of fire chief; compensation; removal; powers and duties.

Chapter 41, Section 56 governs the process by which warrants for the payment of bills are approved and transmitted to the town accountant. Unless otherwise specified by law, such warrants are to be approved by the town select board or other authorized official.

MGL Chapter 268A, the state ethics law, places limits on employment and lobbying by former municipal officials.

**Summary:** Section 1 vests the executive powers of the town of Rochester in the select board, which will have the same powers of other select boards or boards of selectmen as provided by law, except for those powers that are being delegated to the town administrator by this special act.

- Select board to be chief goal-setting and policy-making agency;
- Day-to-day management to be delegated to town administrator;
- Individual select board members may not represent or exercise authority of the whole board unless specifically authorized to do so.

Specified powers and duties of the select board:

- a. Enact rules and regulations to implement policies
- b. Exercise, through town administrator, general supervision over the town's interests or welfare
- c. Appoint town counsel and any special counsels, all members of committees except finance committee and those appointed by the town moderator or elected by the voters, or under the school committee, and

make appointments to temporary posts and committees that have been created for special purposes

d. Have general administrative oversight over boards, committees and commissions appointed by the select board

e. Serve as the licensing authority under state laws and town bylaws

f. Issue town meeting warrants

g. Review the annual proposed budget

h. Appoint town administrator

i. Have power to remove the town administrator for cause after a hearing with 7 days written notice

j. Set the compensation for the town administrator; and

k. Designate an acting town administrator to perform those duties for up to 180 days if the office is vacant for more than 30 days.

Section 2 of the bill lists the qualifications and eligibility requirements for the appointment of a town administrator, who shall be a person with executive and administrative qualifications, with the education, training and experience necessary to perform the duties of the office. The town may also establish by bylaw additional qualifications as necessary.

This section lists the town administrator's powers and duties:

a. Consult and advise the select board.

b. Attend all meetings of the select board except when excused

c. Attend all town meetings and advise on warrant articles within the jurisdiction of the select board.

d. Attend all finance committee meetings unless excused and keep them informed of matters under the town administrator's jurisdiction

e. Supervise town departments under the select board's jurisdiction

f. Review and advise select board on all warrants for payment of town funds as prepared by the town accountant.

g. Except for school department, town administrator has sole authority over personnel matters (unless otherwise provided for by statute or town bylaws) and prepares the job compensation plan for consideration by town meeting, subject to applicable state laws.

h. Administers the town's insurance policies.

i. With approval of select board, appoints and may remove all department heads under direct control of the select board, subject to applicable laws, bylaws and employment contracts.

j. Reorganize department structures under jurisdiction of the select board, with their approval.

k. Subject to approval by the select board, negotiate all collective bargaining agreements.

l. With approval of select board, execute all contracts.

m. Subject to select board approval, establish compensation packages for all town employees under the select board's jurisdiction that are not subject to a collective bargaining agreement.

n. Submit proposed budget to select board.

- o. Establish timeline for submitting budget, revenue statement and tax rate estimates to the select board.
  - p. Maintain operating and capital budgets.
  - q. Keep complete records of the town administrator and submit full report of the operations of the office to the select board.
  - r. Coordinate operational and strategic planning for the town.
  - s. Serve as procurement officer and enforce policies and guidelines.
  - t. Manage and oversee the use, maintenance, security and, with approval of the select board, regulate rental of buildings and property except those under the jurisdiction of the school department.
  - u. Prepare the application of all town warrants for approval.
  - v. With approval of select board, handle all litigation matters except those involving only the school department, officers and employees.
  - w. Review bylaws, regulations and policies; make recommendations.
  - x. Negotiate contracts and grants, subject to select board approval.
  - y. Act as liaison and represent select board before other authorities.
  - z. Develop and maintain inventory of town property.
- Other duties include delegating other qualified town officials or employees to carry out duties under the town administrator's authority, designating a qualified administrative employee (with approval of the select board) to exercise the powers and duties of town administrator, and perform any other duties or tasks assigned by the select board.

Section 3 grants the town administrator access to all town records necessary to perform their duties.

Sections 4 and 5 ensure the continuation of existing laws, bylaws, votes, rules and regulations, and contracts that are already in effect.

Section 6 states that the town shall be governed by this special act.

Section 7 states that this act shall not impair the rights or obligations of existing town officers or employees except for some changes in duties, and no permanent full-time employee shall forfeit any pay or service.

Section 8 provides for the act to take effect upon its acceptance by a vote of town meeting.

**Notes:** This language was approved as Article 12 at the January 7, 2025 Special Town Meeting by majority voice vote.