

vacancy in such board shall be filled in like manner for the residue of the unexpired term. A commissioner may be removed by a vote of two thirds of the voters of a town, or by a vote of two thirds of all the members of a city council. Such commissioners shall serve without compensation.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1941.

- Chap. 11* AN ACT AUTHORIZING THE TOWN OF GAY HEAD TO CONTRIBUTE TO THE COST OF CERTAIN IMPROVEMENTS IN MENEMSHA CREEK IN THE TOWNS OF CHILMARK AND GAY HEAD.

Be it enacted, etc., as follows:

SECTION 1. The town of Gay Head is hereby authorized to appropriate and expend a sum not exceeding five hundred dollars for the purpose of contributing, under the provisions of chapter seventy of the resolves of nineteen hundred and thirty-nine, to the cost of certain improvements in Menemsha creek in the towns of Chilmark and Gay Head, referred to in said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1941.

- Chap. 12* AN ACT AUTHORIZING THE TEMPORARY EXTENSION OF THREE PIERS FROM THE BOSTON NAVY YARD INTO BOSTON HARBOR BEYOND THE ESTABLISHED LINE OF JURISDICTION.

Be it enacted, etc., as follows:

SECTION 1. The United States of America is hereby authorized to extend three piers from the Boston Navy Yard into Boston harbor beyond the line of jurisdiction established by chapter four hundred and ninety of the acts of nineteen hundred and thirty-eight; provided, that each such extension shall be built of piling and shall not extend more than two hundred and fifty feet beyond said line of jurisdiction, and shall not be more than one hundred feet wide, and that said extensions shall not be maintained after April fifteenth, nineteen hundred and forty-five.

SECTION 2. Upon the completion of the extensions hereby authorized, the United States of America shall file with the department of public works plans sufficient to show the location and the construction of said extensions.

SECTION 3. This act shall take effect upon its passage.

Approved February 13, 1941.

- Chap. 13* AN ACT ESTABLISHING A TOWN MANAGER FORM OF GOVERNMENT FOR THE TOWN OF CANTON.

Be it enacted, etc., as follows:

SECTION 1. The annual town meeting of the town of Canton shall be held on the fourth Monday of February or

the day following in the event that said Monday is a legal holiday. All matters to be considered at the annual town meeting, other than the election of town officers and any questions required by law to be placed upon the official ballot, shall be considered at an adjournment of such meeting to be held on the first Monday in March at half past seven o'clock in the evening.

SECTION 2. At the first annual town meeting following the acceptance of this act, the qualified voters of the town shall elect by official ballot from the inhabitants of the town a moderator to preside at said meeting and at all town meetings until the final adjournment of the next following annual town meeting and until the qualification of his successor. At the second annual town meeting following the acceptance of this act, and at each annual town meeting thereafter, the qualified voters of the town shall elect by official ballot from the inhabitants of the town a moderator to preside at all town meetings held after the final adjournment of the annual town meeting at which he was elected and until the final adjournment of the next annual town meeting and until the qualification of his successor. If a moderator so elected is unable by reason of absence or disability to perform the duties of his office, a temporary moderator may be elected.

SELECTMEN.

SECTION 3. At the first annual town meeting following the acceptance of this act, the qualified voters of the town shall elect by official ballot five selectmen who shall hold office, two for the term of three years, two for the term of two years, and one for the term of one year, from the annual town meeting at which they are elected. At each annual town meeting thereafter there shall be elected in the place of each selectman whose term is about to expire a selectman, to serve for the term of three years. The selectmen elected hereunder shall serve until the qualification of their respective successors. If, unless as the result of a recall election, a vacancy or vacancies occur in the membership of the selectmen so elected, the remaining members shall call a special town meeting to fill the vacancy or vacancies for the balance of the unexpired term or terms, except that if a vacancy or vacancies occur less than three months prior to the date of the annual town meeting and not less than three selectmen so elected remain in office, the vacancy or vacancies shall remain unfilled until such annual town meeting. A vacancy resulting from a recall election shall be filled as hereafter provided in this act. No selectman so elected shall, during the term for which he is elected, be eligible, either by election or appointment, to any other town office of the town.

SECTION 4. Upon the qualification of a majority of the selectmen first elected as provided in section three, all the powers, rights, duties and liabilities conferred or imposed by

law, whether now existing or hereafter enacted, upon the offices of surveyor or surveyors of highways, water commissioners, sewer commission, board of public welfare and board of health (including, as to the last mentioned board, the handling of garbage and the supervision of town dumps) of said town shall be transferred to and conferred and imposed upon the selectmen, and the said offices shall be abolished. Such transfer of rights, powers, duties and liabilities shall not affect any liability incurred, contract made, fine, special assessment, rate, penalty, forfeiture or tax imposed before such transfer and abolition, nor any suit or other proceeding then pending; and the selectmen elected as provided in said section three shall in all respects and for all purposes whatsoever be the lawful successors of said officers. The selectmen so elected shall appoint a town clerk (who shall also act as town accountant), a planning board, library trustees, assessors of taxes, a tax collector, a treasurer, registrars of voters, fence viewers, field drivers, surveyors of lumber, a measurer of wood and bark, an inspector of animals and meat, public weighers, a dog officer, a measurer of leather, a pound keeper, constables, and such other town officers as they deem necessary to perform, or to assist them in performing, the powers and duties conferred or imposed upon them by law, including the powers and duties of the offices hereby abolished.

SCHOOL COMMITTEE AND LIBRARY TRUSTEES.

SECTION 5. At the first annual town meeting following the acceptance of this act, the qualified voters of the town shall elect by official ballot five members of the school committee who shall hold office, two for the term of three years, two for the term of two years, and one for the term of one year, from the annual town meeting at which they are elected. At each annual town meeting thereafter there shall be elected, in place of each member of the school committee whose term is about to expire, a member to serve for the term of three years. Each member of the school committee so elected shall serve until the qualification of his successor. Upon the qualification of a majority of the members of the school committee first elected as provided in this section, the terms of office of the members of the school committee then in office shall cease and determine.

At the first annual town meeting following the acceptance of this act, the qualified voters of the town shall elect by official ballot five trustees of the public library who shall hold office, two for the term of three years, two for the term of two years, and one for the term of one year, from the annual town meeting at which they are elected. At each annual town meeting thereafter there shall be elected, in place of each trustee of the public library whose term is about to expire, a library trustee to serve for the term of three years. Each trustee of the public library elected hereunder shall

serve until the qualification of his successor. Upon the qualification of a majority of the trustees of the public library first elected as provided in this section, the terms of office of the trustees of the public library then in office shall cease and determine.

TREASURER AND COLLECTOR.

SECTION 6. Commencing with the year next following the year in which this act is accepted, the selectmen shall annually, prior to the fourth Monday in March, appoint from the inhabitants of the town a treasurer and a collector of taxes, who shall respectively have all the powers and rights and be subject to all the duties and all the liabilities now or hereafter conferred or imposed by general law upon treasurers and upon collectors of taxes in towns. They shall severally be appointed for terms of one year from the first day of April following their appointment and shall serve until the qualification of their respective successors. Within thirty days after a vacancy occurs in either of said offices the selectmen shall fill the same by appointment in like manner for the remainder of the unexpired term. Upon the qualification of the treasurer and the collector of taxes first appointed as provided in this section, the term of office of the town treasurer and of the collector of taxes of the town then in office shall cease and determine. The offices of treasurer and of collector of taxes shall not be held by the same person at the same time.

ASSESSORS.

SECTION 7. The selectmen elected as provided in section three shall, forthwith after the first annual town meeting following the acceptance of this act, appoint three inhabitants of the town as assessors, one to serve for the term of one year, one for the term of two years, and one for the term of three years, and thereafter, forthwith after each annual town meeting, shall appoint one assessor to serve for the term of three years. Each assessor so appointed shall serve until the qualification of his successor. The assessors shall hold no other elective or appointive office of the town. If a vacancy occurs in the office of assessor appointed under this act it shall be filled forthwith by the selectmen in like manner for the balance of the unexpired term. Upon the qualification of a majority of the assessors first appointed as provided in this section the terms of office of the assessors then in office shall cease and determine. Assessors appointed hereunder shall have all the powers and rights and be subject to all the duties and the liabilities now or hereafter conferred or imposed by general law upon assessors in towns. The selectmen elected as provided in section three may also appoint inhabitants of the town to act as assistant assessors, who shall have all the powers and rights and be

subject to all the duties and the liabilities now or hereafter conferred or imposed by general law upon assistant assessors in towns, and who may be removed by said selectmen.

TOWN CLERK.

SECTION 8. The selectmen elected as provided in section three shall, forthwith after the first annual town meeting following the acceptance of this act, appoint a suitably qualified inhabitant of the town to the office of town clerk, who shall also perform the duties and possess the powers of a town accountant, and who shall be sworn to the faithful performance of his duties by the chairman of the selectmen or by a justice of the peace, and shall hold office during the pleasure of the selectmen. In case of a vacancy in said appointive office of town clerk, the selectmen shall forthwith in like manner appoint a suitably qualified inhabitant of the town to fill the same. Upon the qualification of the town clerk first appointed as provided in this section, the term of office of the town clerk then in office shall cease and determine. The town clerk so appointed shall have all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon town clerks and upon town accountants. In addition to the duties prescribed by general law he shall act as clerk of the board of selectmen and of the assessors.

TOWN MANAGER.

SECTION 9. The selectmen elected as provided in section three shall, as soon as practicable and from time to time thereafter, appoint a town manager who shall, except as is otherwise herein expressly provided, be the administrative head of all departments of the town, the conduct of which is by the general law or by this act placed upon the selectmen. He shall be subject to the direction and supervision, and shall hold office at the will, of the selectmen, and shall be a person specially fitted by education, training and experience to perform the duties of said office. He shall be chosen irrespective of his political opinions and may or may not be, when appointed, an inhabitant of the town. During the time that he holds such appointment he shall hold no other elective or appointive office of the town, nor shall he be engaged in any other business or occupation. He shall be responsible for the efficient administration of all departments within the scope of his duties. Before entering upon the duties of his office he shall be sworn to the faithful and impartial performance thereof by the chairman of the selectmen, by the town clerk, or by a justice of the peace.

SECTION 10. If any person appointed to office by the selectmen under authority of any provision of this act, because of disability or absence is unable to perform his duties, the selectmen may in writing signed by them, which

shall be filed in the office of the town clerk, appoint a suitably qualified person to hold such office temporarily and to exercise and perform the powers and duties thereof until another is duly elected or appointed and has qualified according to law, or until the officer who was disabled or absent resumes his duties. If in the case of an office to which a temporary appointment is made hereunder a bond is required to be filed, such temporary officer shall file such bond before assuming the duties of his office.

POWERS AND DUTIES OF THE TOWN MANAGER.

SECTION 11. The powers and duties of the town manager shall include the following:

(a) To organize, continue or discontinue such divisions or departments as the selectmen may from time to time determine.

(b) To appoint, upon merit and fitness alone, and except as herein otherwise provided to remove, subject to the approval of the selectmen, and subject to chapter thirty-one of the General Laws in the case of officers and employees under the classified civil service, all subordinate officers and employees under his control and, subject to like approval, to fix their compensation.

(c) To attend all regular meetings of the selectmen, and such special meetings of the selectmen as they may require.

(d) To keep full and complete records of the doings of his office, and to render as often as may be required by the selectmen a full report thereof; and when required by the selectmen to make a synopsis of all reports for publication.

(e) To keep the selectmen fully advised as to the needs of the town within the scope of his duties, and to furnish them and the finance committee on or before the first day of January in each year a careful, detailed estimate in writing of the appropriations required during the ensuing fiscal year for the proper conduct of all departments of the town under his control.

(f) To keep in repair all town buildings, except the public library and school buildings; but he shall repair the public library or school buildings upon request in writing of the trustees of the public library or of the school committee, respectively.

(g) To purchase all supplies for every department of the town, except that books and other supplies for the schools or the public library shall be purchased only upon requisition therefor by the trustees of the public library or by the school committee, respectively; but purchases of supplies for other departments over which he has no control shall be made only upon requisition therefor by them or their authorized representatives.

(h) To perform such other duties, consistent with his office, as may be required of him by the by-laws of the town or by vote of the selectmen.

(i) To have the control and supervision of the police department of the town.

(j) To have the control and supervision of the fire department of the town.

(k) To examine or cause to be examined, with or without notice, the affairs of any division or department under his control, or the conduct of any officer or employee thereof; and, for that purpose, he shall have access to all town books and papers, for the information necessary for the proper performance of his duties.

(l) To administer the health regulations of the town as established by by-laws, or made by the selectmen, in addition to those established by law, either directly or through a person appointed by him, to be designated as the health officer, and, under the supervision of the selectmen, to exercise the powers and perform the duties of a board of health.

(m) Under the supervision of the selectmen, to exercise the powers and to perform the duties of a board of public welfare pertaining to all forms of welfare relief, including old age assistance and aid to dependent children. He shall also, subject to such supervision, administer the laws relating to military aid and soldiers' relief.

(n) To appoint a town physician and a town counsel, if, in the opinion of the selectmen, these offices are necessary, and an inspector of buildings if one is required by the town.

FINANCE COMMITTEE.

SECTION 12. The members of the finance committee of the town at the time of the acceptance of this act shall continue to serve until the expiration of their respective terms of office and shall have and be subject to the rights, powers and duties hereafter in this act set forth but their existing terms of office shall not be hereby extended.

The moderator elected as provided in section two shall, as the terms of the incumbents hereinbefore referred to expire, appoint two members of the finance committee each to serve for a term of three years, and the town clerk shall serve ex officio as a member and clerk of the committee. No member of said committee, other than the town clerk, shall hold another elective or appointive office of the town.

If an appointed member remains absent for more than three consecutive meetings, except for illness, his place on the finance committee shall thereupon become vacant and another person shall be appointed thereto as provided in the following paragraph.

The moderator elected as above provided, upon receiving notice of a vacancy in the appointive membership of the finance committee, shall appoint a member to serve for the balance of the unexpired term.

A majority of the members of the said committee shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

SECTION 13. The finance committee shall have and exercise the rights, powers and duties hereinafter set forth. The selectmen elected as provided in section three, after drawing any warrant for a town meeting, shall immediately refer the articles therein to the finance committee and transmit a copy of such articles to each member of said finance committee, and said committee shall consider all such articles. A public hearing may be held upon all such articles, unless a public hearing thereon by some other tribunal is required by general law, and a notice of such public hearing shall be given by posting a copy of said notice, at least seven days before such hearing, in at least six public places in the town. After due consideration of the subject matter in such articles, said committee shall report thereon, in print or otherwise, to the town meeting such recommendations as it deems best for the interest of the town. The finance committee shall consider the annual estimates of receipts and expenditures as prepared by the town manager and other town officials in charge of departments not under the jurisdiction of the manager, and add another column to the prepared statements, giving the amounts which in its opinion should be appropriated for the ensuing fiscal year, and shall add thereto such explanation and suggestions in relation to the proposed appropriations as it may deem expedient, and report thereon.

Said committee shall make an annual report of its doings, with recommendations of its financial matters, which shall be printed in the annual town report.

ESTIMATES AND INFORMATION.

SECTION 14. The town manager and officers and boards of the town not under the jurisdiction of the town manager shall annually, not later than January first, submit to the finance committee in writing detailed estimates of appropriations required for the administration of their respective boards or offices during the next ensuing fiscal year, and the amounts necessary for outlays, and shall at any time, upon request in writing of the finance committee, furnish to it all information in their possession relative to the administration of their respective boards or offices. The finance committee shall, at all reasonable times, upon the request of any of such officers or boards, advise with them, and furnish them with any information in its possession relative to the financial affairs of their respective boards or offices. Said committee may investigate the methods of procedure and the expenses of all departments and make such report thereon as it deems necessary or advisable.

INVESTIGATIONS.

SECTION 15. At all public hearings held by the finance committee it may require the attendance of town officers

and the production of town books, papers, contracts, documents and other evidence relating to any matter within the scope of such hearing.

EMPLOYMENT OF EXPERTS.

SECTION 16. The finance committee may employ such experts, counsel and other assistants, and incur such other expenses, as it may deem necessary, and the funds therefor, not exceeding, in the aggregate, five hundred dollars in any one fiscal year, may be transferred from the reserve fund; provided, that a larger amount may be appropriated for said purpose for said town.

THE PLANNING BOARD.

SECTION 17. The members of the planning board of the town at the time of the acceptance of this act shall continue to serve until the expiration of their respective terms of office; but upon the expiration of their terms of office their respective successors shall be appointed by the selectmen elected under section three. The planning board shall keep itself informed of the progress of town planning and make studies and recommendations for the improvement and development of the town with a view to the present and future movement of traffic, the general convenience, health, recreation and well being and any needs of the town, and shall have and exercise all the powers and duties now or hereafter vested in planning boards by general law.

RESIGNATION AND REMOVAL OF TOWN OFFICERS.

SECTION 18. Any person holding an appointive office may resign his office by filing his resignation thereof in the office of the town clerk, and such resignation shall be effective forthwith, unless a time certain is specified therein when it shall take effect; provided, that the selectmen may forthwith remove any appointive town officer subject to section nineteen whose resignation is made to take effect in the future.

SECTION 19. The selectmen may remove from office any town officer whose appointment by them is specifically authorized by this act. The reason for such removal shall be set forth in detail in the records of the selectmen, and shall be forthwith communicated in writing to the officer so removed.

SALARIES AND COMPENSATION.

SECTION 20. The town clerk, treasurer, collector, assessors and town manager shall respectively receive such compensation for their services as the selectmen shall determine, but not exceeding the amounts appropriated therefor by the town. Members of the board of selectmen, finance committee, school committee and library trustees shall receive no salary or compensation.

HOLDERS OF AN ELECTIVE OFFICE MAY BE RECALLED, ETC.

SECTION 21. Any holder of an elective town office may be recalled, and removed therefrom by the qualified voters of the town as provided in this act.

RECALL, PETITION, PREPARATION, FILING.

SECTION 22. Any qualified voter of the town may make and file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the reasons therefor. The town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the selectmen, shall contain the name of the person sought to be recalled, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by at least ten per cent of the qualified voters of the town, and to every signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed, to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of qualified voters of the town and the total number of qualified voters of the town.

SECTION 23. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen without delay and the selectmen shall forthwith give written notice to the officer sought to be recalled of the receipt of said certificate and shall, if said officer does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than thirty days after the date of the town clerk's certificate that a sufficient petition is filed; provided, that if any other town election is to occur within sixty days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

SECTION 24. Any officer sought to be recalled may be a candidate to succeed himself, and, unless he requests otherwise in writing, the town clerk shall place his name on the official ballot without nomination. The nomination of other

candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of general law relating to elections, unless otherwise provided in this act.

SECTION 25. The town officer sought to be recalled shall continue to perform the duties of his office until the recall election. If then re-elected he shall continue in office for the balance of his unexpired term, or for his new term, as the case may be, but subject to recall as before, except as otherwise provided in section twenty-seven. If not re-elected at the recall election, his term of office shall cease and determine upon the qualification of his successor, who shall hold office during the balance of the unexpired term; provided, that, if such successor fails to qualify within five days after receiving notification of his election, he shall thereupon be deemed removed and the office vacant.

SECTION 26. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer).

Against the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for One," and beneath this the names of candidates nominated as hereinbefore provided.

SECTION 27. No recall petition shall be filed against a town officer within three months after he takes office, nor, in the case of an officer subjected to a recall election and not removed thereby, until at least three months after such election.

SECTION 28. No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office of the town within two years after such removal by recall or resignation.

SECTION 29. This act shall be submitted to the qualified voters of the town of Canton at the annual town election in said town in the year nineteen hundred and forty-one. The vote shall be taken in answer to the following question, which shall be printed on the official ballot to be used at such election: "Shall an act passed by the general court in the year nineteen hundred and forty-one, entitled 'An Act Establishing a Town Manager Form of Government for the Town of Canton', be accepted?" If the act is accepted by a majority of the qualified voters voting thereon, it shall take effect forthwith for the purpose of the next annual town meeting and for all things pertaining thereto, and shall take full effect upon the qualification of a majority of the selectmen first elected as provided in section three.

If this act is rejected by the qualified voters of the town of Canton when first submitted to said voters under this

section, it shall be submitted for acceptance in like manner to such voters at the annual town election in said town in the year nineteen hundred and forty-two, and, if accepted by a majority of such voters voting thereon at said election, shall thereupon take effect as hereinbefore provided.

SECTION 30. At any time, except as hereinafter provided, after the expiration of five years from the date on which this act is accepted, and not less than ninety days before the date of an annual town election, a petition signed by not less than fifteen per cent of the qualified voters of the town may be filed with the selectmen, requesting that the question of revoking the acceptance of this act be submitted to the voters. Thereupon the selectmen shall cause to be printed on the official ballot, used for the election of town officers, the following question: — "Shall the acceptance by the town of Canton of an act passed by the General Court in the year nineteen hundred and forty-one, entitled 'An Act Establishing a Town Manager Form of Government for the Town of Canton', be revoked?" If such revocation is favored by a majority of the voters voting thereon by ballot, the acceptance of this act shall be revoked from and after the date of the annual town meeting next following such vote. The revocation of such acceptance shall not affect any contract then existing or any action at law or suit in equity or other proceeding then pending. If such acceptance shall be revoked as aforesaid, this act shall become null and void from and after the date of such annual town meeting, and thereafter all general laws respecting town government and town officers shall apply to the town of Canton, and any special laws relative to said town which are repealed or made inoperative by this act shall be revived or again made operative by such revocation. By-laws in force when the revocation takes effect, so far as they are consistent with general laws respecting town government and town officers and with such special laws, shall not be affected thereby, but any by-law inconsistent with this act shall be revoked. A vote on the question of revoking the acceptance of this act shall not be taken oftener than once in every three years. *Approved February 13, 1941.*

AN ACT AUTHORIZING THE PLACING OF THE OFFICE OF TOWN
ACCOUNTANT OF THE TOWN OF MILFORD UNDER THE CIVIL
SERVICE LAWS. *Chap. 14*

Be it enacted, etc., as follows:

SECTION 1. The office of town accountant of the town of Milford shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to said laws, but the person holding said office on said effective date shall continue to serve therein only until the expiration of his term of office unless prior thereto he passes a non-competitive qualifying