

AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO ESTABLISH A COMMISSION OF PUBLIC WORKS EXERCISING THE POWERS OF CERTAIN OTHER BOARDS, COMMISSIONS, COMMITTEES, DEPARTMENTS AND OFFICES. Chap.482

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Plymouth a commission of public works, hereinafter called the commission, which shall be under the jurisdiction of five unpaid commissioners. The initial members thereof shall be appointed by the board of selectmen to take office on May first next following the date on which this act becomes fully effective by vote of the town as hereinafter provided, one to serve for one year, two to serve for two years, and two to serve for three years, and thereafter when the term of any member expires his successor shall be appointed by said board of selectmen to serve for three years. In all cases the members shall serve until their successors are appointed and qualified. The members of the commission shall, after each appointment, elect one of their number to act as chairman, until the following May first. If a vacancy occurs on the commission, the remaining members, together with the board of selectmen, shall fill such vacancy for the unexpired term. No person shall serve on the commission who holds another elective or appointive office in the town, or who is an employee of the town.

SECTION 2. The commission shall succeed to and be vested with all the rights, powers, duties, facilities, properties and appropriations now or from time to time vested by general or special law or vote of the town in the following boards, commissions, committees, departments and offices in said town, to wit:— water commission, highway department, including all the activities thereof, engineering department, park commission and beach committee, moth department, tree warden's department, committee on town forest, cemetery commission, Burial Hill committee, sewer department, including the committee on sewers, street lighting, and the care, repair, maintenance, construction and reconstruction of all piers, wharves and other harbor and water-front properties of the town, and such boards, commissions, committees, departments and offices shall thereupon be abolished when this act becomes fully effective. The commission shall have the rights, powers, and duties now vested in the commission of public safety with respect to the collection and disposal of garbage and the physical care of dumps, and when this act becomes fully effective, the commission of public safety shall cease to have any authority relative thereto.

The commission shall provide and furnish the facilities of its engineering division for all engineering work to be done by all town departments, commissions and offices, including the planning board.

The commission may, if it deems it desirable and expedient to do so, with the assent and approval of any or all town departments, commissions, committees, boards and offices, make its personnel, services and facilities available (1) for the repair, alteration, and maintenance of all town public buildings; (2) for the repair and maintenance of all town-owned equipment, property and vehicles; (3) for the central purchasing of all supplies, materials and equipment; and (4) for the awarding of all contracts for the repair, alteration, remodelling, construction, reconstruction, maintenance or renovation of all town public buildings, grounds, properties or equipment.

All work involving the opening or excavation of streets, ways or sidewalks shall be subject to the approval of the commission or some one delegated by it.

No contracts or liabilities in force when this act becomes fully effective shall be affected hereby, but the commission shall be deemed the lawful successor of the aforesaid departments, committees, commissions, boards and offices relative to such contracts or liabilities. It shall be the duty of the aforesaid departments, commissions, boards and offices, when this act becomes fully effective, to turn over to the commission all contracts, papers, documents, plans and property in their custody and control, and each shall furnish to the commission such information as may be requested by the commission.

SECTION 3. The commission shall, as soon as practicable, appoint, and may remove, a superintendent of public works, who shall be responsible to the commission. The superintendent shall have full authority to carry out the policies of the commission in the operation of the commission. Pending the appointment of a superintendent, the commission may appoint an acting superintendent. The compensation of the superintendent or acting superintendent shall be fixed by the commission, subject to appropriations therefor. He shall be specially fitted by education, training and experience to perform the duties of such office, and need not be a resident of the town when appointed, but he shall be a resident thereof during his tenure in office. He shall be a graduate engineer with a recognized engineering degree. Before entering upon the duties of his office, he shall be sworn to the faithful and impartial performance thereof, and shall, if required by the commission, execute a bond in favor of the town for the faithful performance of his duties in such sum or sums and with such surety or sureties as may be fixed by the commission. If a surety company is selected, the premium for such bond shall be paid by the town. During his tenure he shall hold no other elective or appointive office, nor shall he be engaged in any other business or occupation. He shall appoint such staff of assistants, clerks, employees and laborers as he deems necessary, with the approval of the commission, and may, with like approval, remove them. He shall keep a full and complete record of all the doings of his office and

shall render to the commission such reports as it may require. He shall keep the commission fully informed and advised of the needs of the town within the scope of his duties, and he shall furnish it with a fully prepared and detailed estimate in writing, prior to December twentieth of each year, relative to the appropriations required during the ensuing year for the proper conduct of the commission. Each budget shall show segregated amounts for personal services, labor pay rolls, new equipment and other expenses, or the budget may be further segregated in such detail as may be required by the commission.

SECTION 4. This act shall be submitted to the registered voters of the town of Plymouth for acceptance at the biennial state election in the current year, in the form of the following question which shall be placed on the official ballot to be used in said town at said election: — "Shall an act passed by the general court in the year nineteen hundred and fifty-two, entitled 'An Act authorizing the town of Plymouth to establish a commission of public works exercising the powers of certain other boards, commissions, committees, departments and offices' be accepted?" If a majority of the votes cast in answer to such question is in the affirmative, this act shall become fully effective on May first, nineteen hundred and fifty-three. If a majority of the votes so cast is not in the affirmative, said question shall be placed on the official ballot to be used for the election of town officers at the annual town election in the year nineteen hundred and fifty-three, and if the act is not so accepted in the year nineteen hundred and fifty-three, said question shall be placed on said ballot at the annual town election in the year nineteen hundred and fifty-four. If a majority of the votes cast in answer to said question in either of said years nineteen hundred and fifty-three or nineteen hundred and fifty-four is in the affirmative, this act shall become fully effective on May first following said vote. If this act is not accepted as provided herein, it shall become null and void.

SECTION 5. At any time after the expiration of five years from the date on which this act is accepted by the town, ten per cent of the qualified voters of the town may petition the selectmen that the question of rescinding such acceptance be submitted to the voters at the next biennial state election. Upon the filing of such petition, the following question shall thereupon be placed on the official ballot to be used at said election in said town: — "Shall the town of Plymouth rescind the prior acceptance of an act passed by the General Court in the year 1952, entitled 'An Act authorizing the town of Plymouth to establish a commission of public works exercising the powers of certain other boards, commissions, committees, departments and offices?'" If a majority of the votes cast in answer to said question is in the affirmative, then at the next annual town election held after said vote to rescind, the town shall elect such boards, commissions, committees and officers as are necessary to exercise and perform

the powers, rights and duties transferred to the commission of public works by this act. Such action shall not affect any contract or liability then created or existing. All general laws respecting town administration and town officers and any special laws relative to said town, the operation of which has been suspended or superseded by the acceptance of this act, shall then be in full force and effect. Any by-law inconsistent with such special or general laws shall be revoked thereby. Any subsequent vote to rescind the acceptance of this act shall not be taken more often than once in two years.

Approved June 25, 1952.

Chap. 483 AN ACT REVISING THE DEFINITION OF THE TERM "PRIVATE CARRIER" UNDER THE LAWS RELATIVE TO CARRIERS OF PROPERTY BY MOTOR VEHICLE FOR COMPENSATION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 159B, § 2, etc., amended.

Section 2 of chapter 159B of the General Laws, as amended, is hereby further amended by striking out the paragraph defining "Private carrier", inserted by section 2 of chapter 664 of the acts of 1951, and inserting in place thereof the following:—

"Private carrier", defined.

"Private carrier", any person not included in the terms common carrier by motor vehicle, contract carrier by motor vehicle, or agricultural carrier by motor vehicle, who transports in intrastate commerce or interstate commerce, in so far as it comes within the jurisdiction of the provisions of the laws of this commonwealth, property of which such person is the owner, lessee or bailee when such property is for the purpose of sale, lease or rent or in the furtherance of any commercial enterprise.

Approved June 25, 1952.

Chap. 484 AN ACT RELATIVE TO RIGHTS OF CERTAIN MEMBERS OF CONTRIBUTORY RETIREMENT SYSTEMS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 14, etc., amended.

SECTION 1. Paragraph (a) of subdivision (1) of section 14 of chapter 32 of the General Laws is hereby amended by striking out the paragraph added by chapter 99 of the acts of 1951 and inserting in place thereof the following paragraph:—

Creditable service under contributory retirement systems.

Any such member shall have credited to him as creditable service under the system the period during which he is receiving such weekly payments or lump sum settlement in lieu of such weekly payments. The board of each system shall keep an annual record of all such creditable service. At the time of his retirement, or as soon thereafter as an appropriation therefor is made, the commonwealth or political subdivision thereof, as the case may be, shall pay into the annuity savings fund of such system the amount which said person would have paid into said fund had his employment in the service of the commonwealth or political