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**Chap. 415**

Section 3-1-4. The board of selectmen shall hold at least two regularly scheduled monthly meetings in the evening, or if on Saturday, during the day.

**SECTION 1A.** Section 3-8-2 of said chapter 3 of said charter of the town of Eastham is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- He shall appoint members to the Cape Cod regional vocational high school committee, three members of the finance committee and members to town meeting standing and temporary committees as the town meeting may vote.

**SECTION 2.** Chapter 9 of said charter is hereby amended by striking out section 9-5-9 and inserting in place thereof the following section:-

Section 9-5-9. The board of selectmen shall act as the personnel board.

Approved December 23, 1998

**Chapter 416. AN ACT PROVIDING FOR A TOWN ADMINISTRATOR IN THE TOWN OF LAKEVILLE**

*Be it enacted, etc., as follows:*

**SECTION 1.** Upon the effective date of this act, the town of Lakeville shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing general law and special act or the by-law of the town of Lakeville, this act shall govern.

**SECTION 2.** (a) The board of selectmen, in this section called the board, shall serve as the goal setting, long range planning and policy making body of the town, recommending major courses of action to the town meeting, and adopting policy directives and guidelines which are to be implemented by officers, boards, committees, commissions and employees of the town.

(b) The board shall have the power to enact rules and regulations to implement policies and to issue interpretations.

(c) The board shall exercise, through the town administrator, general supervision over all matters affecting the interests or welfare of the town.

(d) The board shall appoint the town administrator, town counsel, registrars of voters, election officers, constables, and members of all committees, boards and commissions except those appointed by the moderator or elected by the voters pursuant to the town by-laws or general law.

(e) The board shall have general administrative oversight of such appointed boards, committees, and commissions appointed by the board of selectmen.

(f) The board shall have the responsibility and authority for licenses and other quasi-judicial functions as provided by general law and by-law of said town.

(g) The board shall be responsible for the preparation of all town meeting warrants.

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(h) The board may make investigations and may authorize the town administrator or other agents to investigate the affairs of the town and the conduct of any town department, office, or agency, including any doubtful claims against the town, and for this purpose said board may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the town clerk, and a report summarizing such investigation shall be printed in the next annual town report.

(i) The board shall review the annual proposed budget submitted by the town administrator and make recommendations with respect thereto as they deem advisable. The town administrator shall present the budget, incorporating the recommendations of the board to the finance committee.

(j) The board, by a majority vote of its full membership, shall appoint a town administrator who shall be a person with executive and administrative qualifications and especially fitted by education, training and experience to perform the duties of the office. The office of town administrator shall not be subject to the Lakeville Personnel Administration Plan. Said town may from time to time, by by-law, establish such additional qualifications as it deems necessary and appropriate.

(k) The board may remove the town administrator at any time by a majority vote. Within seven days thereafter, the town administrator may appeal the decision of said board by filing a written request for a public hearing. If such a request is filed, said board shall conduct a public hearing within 14 days, and shall act on the appeal within seven days thereafter.

(l) The board shall set the compensation for the town administrator, not to exceed an amount appropriated by the town meeting.

(m) The board shall designate a qualified person to serve as acting town administrator and to perform the duties of the office during any period of any vacancy exceeding 30 days, caused by the administrator's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed 180 days.

**SECTION 3.** The town administrator shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for administering and coordinating all employees, activities and departments placed by general law, or by-law, who are under the control of the board of selectmen.

Said administrator shall devote his full working time to the duties of the office and shall not engage in any business activity during his term, except with the written consent of the board of selectmen.

The town administrator shall:

(a) attend all meetings of the board of selectmen, except when excused, and shall have the right to speak but not vote;

(b) administer, either directly or through a person or persons appointed in accordance with this act, all provisions of the General Laws and special acts applicable to the town, all town by-laws, and all regulations established by the board of selectmen;

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(c) assemble, prepare and present to the board of selectmen all annual operating and capital budgets of the town and be responsible for the development and annual revision of the capital improvements program;

(d) be responsible for seeing that the budget is administered as adopted by the town meeting in accordance with the General Laws, this act and by-laws;

(e) keep the board of selectmen fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic reports to the board of selectmen;

(f) keep the board of selectmen informed regarding the availability of federal and state funds and how such funds might relate to unmet long-range needs;

(g) prepare applications for all town grants;

(h) be responsible for the day-to-day administration of the town's personnel system;

(i) negotiate collective bargaining contracts unless the board of selectmen designates another negotiator;

(j) be the chief procurement officer of the town as defined by general law, and appoint such assistant procurement officers as provided in chapter 30B of the General Laws;

(k) make recommendations to the board of selectmen regarding vacancies in town offices and boards to be filled by the board of selectmen pursuant to the General Laws or town by-law;

(l) coordinate the activities of any board, commission, and committee concerned with long-range municipal planning, including the physical, economic and environmental development of the town;

(m) develop, keep and annually update a full and complete inventory of all property of the town, both real and personal;

(n) distribute, or cause to be distributed, copies of the warrant for the annual town meeting;

(o) have the authority to sign payroll and accounts payable warrants concerning the everyday operation of the town;

(p) upon request and with the approval of the board of selectmen, prosecute, defend, or compromise all litigation to which the town is party;

(q) perform such other duties as may be required by this act, by-law, or vote of the board of selectmen.

The board of selectmen shall provide for an annual review of the job performance of the town administrator which shall, at least in summary form, be a public record.

The town may by by-law, from time-to-time, modify, delete and amend the responsibilities and duties as necessary or appropriate, consistent with this act.

**SECTION 4.** This act shall take effect upon its acceptance by the town of Lakeville.

Approved December 23, 1998