

# SENATE . . . . No. 68

To accompany the petition of Raymond S. Dower and others, selectmen, and others (pursuant to vote at annual town meeting) for the establishment in the town of Wakefield of a board of public works. Towns.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

### AN ACT ESTABLISHING IN THE TOWN OF WAKEFIELD A BOARD OF PUBLIC WORKS.

*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. There shall be established in the town  
2 of Wakefield a department of public works which  
3 shall be under the jurisdiction of an unpaid board of  
4 public works, hereinafter called the board, to consist  
5 of three members. The initial members thereof shall  
6 be elected as provided in section four, one to serve  
7 for one year, one for two years, and one for three  
8 years from the date of the next annual town meeting  
9 following the date of their initial election, and there-  
10 after when the term of any member expires his suc-  
11 cessor shall be elected to serve for three years. In all  
12 cases the members shall serve until their successors  
13 are elected and qualified. The members of the board  
14 shall, after each election, elect one of their number to

15 act as chairman until the next election. If a vacancy  
16 occurs in the board, the remaining members, together  
17 with the board of selectmen, shall fill such a vacancy  
18 until the next annual town meeting, when a new mem-  
19 ber shall be elected to fill the unexpired term. No  
20 person shall serve on the board who holds another  
21 elective or appointive office in the town.

1 SECTION 2. The board shall have all the rights,  
2 powers and liabilities vested in the selectmen in re-  
3 spect to the laying out, construction, maintenance  
4 and repair of streets, ways, bridges, sidewalks, monu-  
5 ments at the termini and angles of roads and guide-  
6 posts, and in the laying out, construction, maintenance  
7 and repair of drains, and the granting of pole locations,  
8 including the authority vested in them as a board of  
9 survey under the provisions of chapter forty-one of  
10 the General Laws, and the rights, powers and lia-  
11 bilities of the selectmen as they pertain to the moth  
12 and tree department, including the appointment of  
13 a tree warden and the collecting of and disposal of  
14 rubbish. The board shall also have all the rights,  
15 powers and liabilities vested in the water and sewer-  
16 age board, including all the rights and privileges,  
17 powers and obligations conferred upon the water and  
18 sewerage board by chapter three hundred and seventy-  
19 seven of the acts of nineteen hundred and chapter  
20 four hundred and eighty-eight of the acts of nineteen  
21 hundred and two, and any amendments thereto,  
22 and in addition, all the rights, powers and liabilities  
23 now vested in the park and cemetery board. In  
24 further addition the board shall have the rights,  
25 powers and liabilities with respect to the collection  
26 and disposal of garbage and the physical care of

27 dumps, all of which is now vested in the board of  
28 health, and also the care of public buildings, excepting  
29 school buildings, library, the town infirmary and  
30 those of the municipal light department. Upon the  
31 date when this act becomes fully effective, as provided  
32 in section four, the board shall succeed to the rights,  
33 privileges, duties and liabilities as herein set forth,  
34 and thereupon the water and sewerage board and the  
35 park and cemetery board in said town of Wakefield  
36 shall cease to exist, and the board of selectmen of said  
37 town shall cease to have any authority relative to  
38 streets and drains, the moth and tree department and  
39 the collection of and disposal of rubbish, nor shall  
40 the board of health, except as provided by law, have  
41 any authority relative to the collection of garbage  
42 and the physical care of dumps. No contracts or  
43 liabilities in force on the date when this act becomes  
44 fully effective shall be affected, but the board shall  
45 in all respects be the lawful successor relative to such  
46 contracts or liabilities of such boards or officers whose  
47 duties and responsibilities shall have been assumed by  
48 the board, and it shall be the duty of such various  
49 boards or officers to turn over to the board all con-  
50 tracts, papers, documents, plans and other property  
51 then in their custody relative to the operation of the  
52 board.

1 SECTION 3. The board shall appoint a director of  
2 public works, responsible to the board, who shall  
3 have full authority for carrying out the policies of  
4 the board and over the operations of the department.  
5 The director shall be appointed for a term of three  
6 years subject to removal by the board for cause, and  
7 his compensation shall be fixed by the board. He

8 shall be specially fitted by education, training and  
9 experience to perform the duties of said office, and  
10 may or may not be a resident of the town. During  
11 his tenure he shall hold no other elective or appointive  
12 office nor shall he be engaged in any other business or  
13 occupation. He shall give bond to the town for the  
14 faithful performance of his duties in such sum, with  
15 such conditions and with such sureties as the board  
16 may require and approve. The expenses of procuring  
17 such bond shall be paid by the town. The director  
18 shall appoint such a staff of assistants and employees  
19 which he deems necessary, and shall have the authority  
20 to remove them, which staff shall include a supervisor  
21 for each division of activities. He shall also establish  
22 a division of engineering, the supervisor of which  
23 shall be known as the town engineer, and through  
24 which division the director may, as the board directs,  
25 undertake such engineering services as the town may  
26 need in departments other than those under the  
27 jurisdiction of the board. He shall keep full and  
28 complete records of the doings of his office, and shall  
29 render to the board reports as often and of such nature  
30 as it may require. All work involving the opening of  
31 the streets by any town department, including the  
32 municipal light department, shall be approved by  
33 the director of public works or by some one designated  
34 by him, before such opening is undertaken except in  
35 the case of emergency. The municipal light depart-  
36 ment shall also confer with and inform the director  
37 of any contemplated future work under consideration  
38 which will involve the opening of streets or ways.

1 SECTION 4. This act shall be submitted for ac-  
2 ceptance to the legal voters of said town at the

3 annual town election in the year nineteen hundred and  
4 fifty, in the form of the following question, which  
5 shall be placed on the official ballot to be used for the  
6 election of town officers at said election: — “Shall an  
7 Act passed by the General Court in the year nineteen  
8 hundred and fifty, entitled ‘An Act authorizing the  
9 Town of Wakefield to establish a Department of  
10 Public Works and a Board of Public Works exercising  
11 the powers of certain other Boards, departments and  
12 town officers’ be accepted?” If a majority of votes  
13 cast in answer to such question are in the affirmative,  
14 this act shall become fully effective on the first day  
15 of July, nineteen hundred and fifty, except that the  
16 initial election of the board and their appointment  
17 of a director of public works shall take place as  
18 provided elsewhere in this section. If, at the annual  
19 town election held in the year nineteen hundred and  
20 fifty, a majority of votes cast in answer to such  
21 question is not in the affirmative, then upon the receipt  
22 of a petition duly signed by not less than one hundred  
23 registered voters of the town requesting submission to  
24 the voters in a subsequent year, but not later than  
25 nineteen hundred and fifty-two, the board of select-  
26 men shall thereupon cause to be placed on the official  
27 ballot at the next annual town election following the  
28 timely receipt of said petition, the question pertaining  
29 to the acceptance of this act as provided in this  
30 section, and if a majority of the votes cast in answer  
31 to such question are in the affirmative, this act shall  
32 become effective on the first day of July following.  
33 If this act is not accepted as provided in this section,  
34 it shall thereupon become null and void. If a ma-  
35 jority of votes cast in answer to the above question  
36 are in the affirmative, then the board of selectmen

37 shall call a special town meeting on the fifth Monday  
38 after the date of the acceptance vote, at which meet-  
39 ing the initial election of a board of public works shall  
40 take place by secret ballot in the same manner in  
41 every respect as town officers at annual town elections.  
42 Nominations of candidates for such election shall be  
43 nominated in writing and placed on the official ballot  
44 in same manner in every respect as candidates for  
45 town offices at the annual town elections. The board  
46 so elected shall thereupon appoint a director of public  
47 works who, together with the board, will assume their  
48 full duties and responsibilities on the date on which  
49 this act becomes fully effective. During the interim  
50 between the date of their election and the date of the  
51 full effectiveness of the act, the board and the director,  
52 after his appointment, shall have the full co-operation  
53 and assistance of the various town boards and officers  
54 whose duties they will assume in becoming familiar  
55 with the operations of the various departments in-  
56 volved.



