

---

---

By Mr. Ayers of Weston, petition of J. Robert Ayers for providing a standard form of selectmen-manager government in towns. Towns.

---

---

**The Commonwealth of Massachusetts**

---

In the Year One Thousand Nine Hundred and Fifty-Four.

---

AN ACT PROVIDING A STANDARD FORM OF SELECTMEN-MANAGER GOVERNMENT IN TOWNS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 The General Laws are hereby amended by insert-  
2 ing after chapter 43A the following new chapter:—

3 CHAPTER 43B.

4 STANDARD FORM OF SELECTMEN-MANAGER GOV-  
5 ERNMENT IN TOWNS.

6 *Section 1.* Ten per cent of the qualified voters in  
7 any town may file a petition with the selectmen  
8 thirty days or more before an annual town meeting  
9 asking that the question of accepting this chapter  
10 be submitted to the voters in the form of the follow-  
11 ing question, to be placed on the official ballot in  
12 towns using such ballots:—“Shall chapter forty-  
13 three B of the General Laws, providing for the  
14 adoption of a standard form of selectmen-manager  
15 government, be accepted?” If a majority of the  
16 voters voting thereon shall vote in the affirmative,  
17 this chapter shall take effect for all purposes inci-  
18 dental to the next annual meeting and town election

19 forthwith upon its acceptance and shall take full  
20 effect beginning with such election. Forthwith after  
21 such acceptance the moderator shall appoint a com-  
22 mittee consisting of nine qualified voters to consider  
23 what by-laws authorized by this chapter, if any,  
24 should be adopted by the town to further the pur-  
25 poses of this act in such town, and such committee  
26 shall report its recommendations, if any, to a special  
27 town meeting to be held not less than ninety days  
28 before the next annual town meeting. Any by-laws  
29 adopted by the town under authority of this chapter  
30 shall become operative upon compliance with the  
31 requirements of section thirty-two of chapter forty,  
32 shall continue in effect until revoked by the town or  
33 rendered inoperative under the provisions of sec-  
34 tion ten. Any town which has a manager form of  
35 government by virtue of a special act may vote to  
36 accept this chapter without a formal revocation of  
37 its acceptance of said special act, but said special act  
38 shall remain in full force and effect until the effective  
39 date of the acceptance of this chapter, at which time  
40 it shall cease to be operative.

41 *Section 2.* A town which has accepted this chap-  
42 ter shall continue to elect a board of selectmen,  
43 a moderator, a school committee, and a board of  
44 library trustees, and may, if so provided by a by-law  
45 of the town, continue to elect a town clerk, a town  
46 treasurer, and a board of assessors, subject to any  
47 applicable provision of law, and the terms of office  
48 of any office or board so continued shall not be  
49 interrupted, but every other elective office, board or  
50 commission shall be terminated as hereinafter pro-  
51 vided, any other provision of law to the contrary  
52 notwithstanding. The term of office of any person  
53 elected to any office, board or commission existing  
54 at the time of such acceptance and terminated under  
55 the provisions of this chapter shall continue until  
56 the annual meeting next following such acceptance  
57 and until the appointment and qualification of his

58 successor, if any, and thereafter the said offices,  
59 boards or commissions shall be abolished and all  
60 powers and duties conferred or imposed thereon by  
61 law shall be conferred and imposed upon the select-  
62 men and exercised by the town manager to the  
63 extent hereinafter provided. A town which has  
64 accepted this chapter shall, wherever applicable,  
65 continue to elect town meeting members to a repre-  
66 sentative town meeting as provided by special act  
67 or by chapter forty-three A.

68 *Section 3.* The selectmen shall forthwith, after  
69 the annual meeting next following the acceptance  
70 of this chapter, appoint a town manager, who shall  
71 be a person especially fitted by education, training  
72 or experience to perform the duties of the office, and  
73 may thereafter for cause, after written notice and  
74 a public hearing, remove him; provided, however,  
75 that the town may by by-law fix a term of office  
76 for the position of town manager and establish such  
77 other reasonable requirements and conditions rela-  
78 tive to his appointment and removal as it may  
79 deem desirable; and provided, further, that the  
80 selectmen may, if so authorized by a by-law of the  
81 town, employ a manager jointly with one or more  
82 other towns which have accepted this chapter or  
83 corresponding provisions of any special laws, and  
84 may by written agreement with the selectmen of  
85 such towns establish and apportion the salary of  
86 the manager.

87 *Section 4.* A town manager appointed under the  
88 provisions of this chapter shall have the general  
89 powers and duties enumerated in this section: —

90 (a) He shall be the administrative head of all  
91 departments of the town except those headed by  
92 boards elected by the people other than the board  
93 of selectmen. He shall be responsible for the efficient  
94 administration of all departments within the scope  
95 of his duties.

96 (b) He may, with the approval of the selectmen,

97 establish, combine, continue or discontinue divisions  
98 or departments within the town administration.

99 (c) Unless otherwise provided by section two,  
100 he shall, with the approval of the selectmen, ap-  
101 point upon merit and fitness alone, and may, with  
102 like approval and subject to the provisions of chapter  
103 thirty-one wherever applicable, remove for cause a  
104 town clerk, a town accountant, a town treasurer,  
105 a tax collector or town collector, a town counsel,  
106 a board of assessors, and a planning board.

107 (d) He shall appoint upon merit and fitness alone  
108 and may for cause, subject to the provisions of chap-  
109 ter thirty-one wherever applicable, remove all other  
110 superintendents or chiefs of departments and all  
111 subordinate officers and employees in such depart-  
112 ments, except as provided in the following section.

113 (e) He shall fix the salaries and wages of all sub-  
114 ordinate employees subject, whenever applicable, to  
115 the provisions of chapter thirty-one and of section  
116 one hundred and eight A of chapter forty-one.

117 (f) He shall keep the selectmen fully advised as  
118 to the needs of the town within the scope of his  
119 duties, and shall recommend to the selectmen for  
120 adoption such measures requiring action by them  
121 or by the town as he may deem necessary or ex-  
122 pedit.

123 (g) He shall have jurisdiction over the rental and  
124 use of all town property, and shall be responsible  
125 for the maintenance and repair of all town buildings,  
126 and, on request of the school committee, of buildings  
127 under the jurisdiction of said committee. He shall  
128 be responsible for the preparation of plans and the  
129 supervision of work on existing buildings, or on the  
130 construction of new buildings unless a special com-  
131 mittee of the town is created for such purpose.

132 (h) He shall purchase all supplies and materials  
133 and equipment, except as otherwise provided in  
134 chapter seventy-one, and shall award all contracts  
135 for all departments of the town. He shall make

136 purchases for departments not under his supervision,  
137 including schools, only upon request duly signed by  
138 the head of such departments.

139 (i) He shall administer either directly or through  
140 a person or persons appointed by him in accordance  
141 with this chapter all provisions of general and special  
142 laws applicable in said town and, within the scope  
143 of his duties, all by-laws, and all regulations estab-  
144 lished by the selectmen.

145 (j) He may, subject to the approval of the select-  
146 men, designate an officer of the town to perform his  
147 duties during his temporary absence or disability;  
148 provided, however, that in event of his failure to  
149 make such designation, the selectmen may appoint  
150 an officer of the town to perform his duties.

151 (k) He shall act as the chief fiscal officer of the  
152 town. Warrants for the payment of town funds  
153 prepared by the town accountant in accordance with  
154 the provisions of section fifty-six of chapter forty-one  
155 shall be submitted to the town manager. The ap-  
156 proval of any such warrant by the town manager  
157 shall be sufficient authority to authorize payment  
158 by the town treasurer, but the selectmen shall ap-  
159 prove all warrants in the event of the absence of the  
160 town manager or a vacancy in the office of town  
161 manager.

162 (l) He shall, not later than the fifteenth day of  
163 December of each year, submit a budget for the  
164 town for the ensuing year to the board of selectmen,  
165 who shall, within a period of five days, transmit the  
166 budget to the finance or advisory committee, in such  
167 form and manner as they may deem expedient or as  
168 the town may by by-law require.

169 (m) He shall perform such other duties, consistent  
170 with his office, as may be required of him by the by-  
171 laws of the town or by vote of the selectmen.

172 *Section 5.* All powers of appointment and removal  
173 of town officers conferred upon the selectmen by any  
174 general or special law shall be vested in the town

175 manager; provided, that this section shall not apply  
176 to boards of appeal, constables, election officers, or  
177 to registrars of voters other than the town clerk.

178 *Section 6.* Every town which accepts this chapter  
179 shall provide by by-laws for the appointment of an  
180 advisory or finance committee, any other provision  
181 of the law to the contrary notwithstanding.

182 *Section 7.* The board of assessors, town clerk,  
183 town treasurer, collector of taxes, town accountant,  
184 and municipal gas or light board, shall have the  
185 powers, perform the duties, and be subject to the  
186 liabilities and penalties conferred or imposed by law  
187 upon their respective offices, but in the conduct of  
188 their offices shall be subject to the general super-  
189 vision and direction of the town manager.

190 *Section 8.* No elected official or employee shall  
191 enter into any contract or transact any business in  
192 behalf of the town in which he has an interest, direct  
193 or indirect, without first obtaining the approval of  
194 the board of selectmen and a written statement filed  
195 with the town clerk of his intent to do so.

196 *Section 9.* Every town which accepts this chapter  
197 shall, except as otherwise expressly provided herein,  
198 be governed in all respects by the provisions of any  
199 general or special law applicable thereto.

200 *Section 10.* Any town which has accepted this  
201 chapter may, after the expiration of three years from  
202 the date of such acceptance, vote at an annual meet-  
203 ing to revoke such acceptance, and the question of  
204 such revocation shall be submitted to the voters in  
205 the form of the following question:—“Shall the  
206 acceptance by the town of chapter forty-three B  
207 of the General Laws, providing for a standard form  
208 of selectmen-manager government, be revoked?” If  
209 such revocation is favored by a majority of the voters  
210 voting thereon, this chapter shall cease to be opera-  
211 tive in such town on and after the annual meeting  
212 next following such vote. Such revocation shall not  
213 affect any contract then existing or any action at law

214 or suit in equity or other proceeding then pending.  
215 All general laws respecting town administration and  
216 town officers and any special laws relative to such  
217 town, the operation of which has been suspended or  
218 superseded by acceptance of this chapter shall be  
219 revived by such revocation and shall continue to be  
220 in full force and effect. By-laws in force when such  
221 revocation takes effect, so far as they are consistent  
222 with general laws respecting town administration  
223 and town officers, and with special laws relating to  
224 such town, shall not be affected thereby, but any  
225 other by-laws inconsistent with such general or  
226 special laws shall be annulled. If such revocation  
227 is not favored by a majority of the voters voting  
228 thereon, any subsequent vote to revoke the accept-  
229 ance of this chapter shall not be taken oftener than  
230 once in every three years.

