

# SENATE . . . . No. 558

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To accompany the petition of the selectmen of Barnstable, by Victor F. Adams and others, that provision be made for the establishment of a department of public works in said town. Towns.

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## The Commonwealth of Massachusetts

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

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AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF BARNSTABLE.

*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 Barnstable a board of public works, hereinafter  
3 called the board, to consist of three members. From  
4 and after the next annual town election following the  
5 acceptance of this act, the board of selectmen, as  
6 constituted from time to time shall be termed, con-  
7 stituted and serve as a board of public works, and the  
8 selectmen shall so serve during their respective terms  
9 of office.

1 SECTION 2. The board shall succeed to and be  
2 vested with all the rights, powers, duties, facilities,  
3 properties and appropriations now or from time to  
4 time vested by general or special vote of the town in  
5 the following boards, commissions, committees, de-  
6 partments and offices in said town, to wit: surveyor of  
7 highways, park commissioners, sewer commissioners,  
8 tree warden, moth superintendent, and such board  
9 shall have custody and control of cemeteries, harbors,  
10 beaches, town landings and sewer and rubbish disposal  
11 areas and shall be responsible for the construction,  
12 maintenance and repair of all public buildings

13 and grounds, excepting school properties and the  
14 buildings and equipment of the airport and all town  
15 engineering work shall be performed under the direc-  
16 tion of said board.

17 No contracts or liabilities in force when this act be-  
18 comes fully effective shall be affected hereby, but the  
19 board shall be deemed the lawful successor of the afore-  
20 said departments, committees, commissions, boards  
21 and offices relative to such contracts or liabilities.  
22 It shall be the duty of the aforesaid departments,  
23 commissions, boards and offices, when this act be-  
24 comes fully effective, to turn over to the board all  
25 contracts, papers, documents, plans and property in  
26 their custody and control, and each shall furnish to  
27 the board such information as may be requested by  
28 the board.

1 SECTION 3. The board shall, as soon as practicable,  
2 appoint, and shall have the power to remove, a  
3 superintendent of public works responsible to the  
4 board. The superintendent shall have full authority  
5 for carrying out the policies of the board in the opera-  
6 tion of the department. Pending the appointment of  
7 a superintendent, the board may appoint an acting  
8 superintendent. The compensation of the superin-  
9 tendent or acting superintendent shall be fixed by the  
10 board, subject to appropriations therefor voted by the  
11 town. He shall be specially fitted by education,  
12 training and experience to perform the duties of such  
13 office, and may or may not be a resident of the town  
14 when appointed, but he shall be a resident during his  
15 tenure in office. Before entering upon the duties of  
16 his office he shall be sworn to the faithful and impartial  
17 performance thereof, and he shall, if required by the  
18 board, execute a bond in favor of the town for the  
19 faithful performance of his duties in such sum or sums  
20 and with such surety or sureties as may be fixed by  
21 the board. If a surety company is selected, the  
22 premium therefor shall be paid by the town. During

23 his tenure he shall hold no other elective or appointive  
24 office, nor shall he be engaged in any other business or  
25 occupation. He shall appoint such staff of assistants,  
26 clerks, employees and laborers as he deems necessary,  
27 with the approval of the board, and he shall have the  
28 authority, with like approval, to remove them. He  
29 shall keep a full and complete record of all the doings  
30 of his office and shall render to the board such reports  
31 as it may require. He shall keep the board fully  
32 advised as to the needs of the town within the scope of  
33 his duties, and shall annually furnish to the board, not  
34 less than ten days prior to the expiration of the fiscal  
35 year of said town, a carefully prepared and detailed  
36 estimate in writing of the appropriations required  
37 during the next succeeding fiscal year for the proper  
38 exercise and performance of all said powers, rights and  
39 duties.

1 SECTION 4. This act shall be submitted for ac-  
2 ceptance to the voters of the town at the annual town  
3 meeting next following enactment of this act, in the  
4 form of the following question which shall be placed  
5 on the official ballot to be used for the election of town  
6 officers at said election:—“Shall an act passed by  
7 the general court entitled ‘An Act authorizing the  
8 Town of Barnstable to establish a Board of Public  
9 Works exercising the Powers of Certain Other Boards,  
10 Commissions, Committees, Departments and Officers’  
11 be accepted?” If a majority of the votes cast in  
12 answer to such question is in the affirmative, this act  
13 shall become fully effective upon acceptance of said  
14 town. If a majority of the votes so cast is not in the  
15 affirmative, said question shall be placed on the of-  
16 ficial ballot to be used for the election of town officers  
17 at the annual town meeting in the year nineteen  
18 hundred and fifty-five, and if the act is not so ac-  
19 cepted in the year nineteen hundred and fifty-five, said  
20 question shall be placed on said ballot at the annual  
21 town election in the year nineteen hundred and fifty-



22 six. If a majority of the votes cast in answer to said  
23 question in either of said years nineteen hundred and  
24 fifty-five and nineteen hundred and fifty-six is in the  
25 affirmative, this act shall become fully effective on  
26 April first following said vote. If this act is not ac-  
27 cepted as provided herein, it shall become null and  
28 void.

1 SECTION 5. The town may rescind all or any  
2 part of the action taken by it in pursuance of this act  
3 by a majority vote of the legal voters present and  
4 voting thereon by ballot at any town meeting held  
5 after three years following the annual town election  
6 at which this act becomes fully effective and at least  
7 thirty days before the annual town election next to be  
8 held after such meeting, and thereupon said town  
9 shall, at said next annual town election, nominate and  
10 elect such officers as are necessary to exercise and to  
11 form such of the powers, rights and duties transferred  
12 to the board under section two as are affected by said  
13 vote.