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By Mr. Galvin, petition of Matthew Brown and others for legislation to establish a department of public works in the town of Brookline exercising the powers of certain other departments and town offices. Towns.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

### AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF BROOKLINE EXERCISING THE POWERS OF CERTAIN OTHER DEPARTMENTS AND TOWN OFFICES.

*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. Notwithstanding the provisions of any general  
2 law, special law or by-law, there shall be established in the  
3 town of Brookline a Department of Public Works, hereinafter  
4 called the Department.

1 SECTION 2. The Selectmen shall appoint and fix the com-  
2 pensation of a Commissioner of Public Works who shall have,  
3 exercise and perform the powers, rights and duties described  
4 in this chapter. He shall be specially fitted by education,  
5 training and experience to perform the duties of his office. He  
6 shall be responsible for the efficient exercise and performance  
7 of such powers, rights and duties. He shall be appointed in  
8 April of each year for a term of one year from the first day  
9 of May following and until the qualification of his successor.  
10 The Commissioner of Public Works shall not be subject to the  
11 rules and laws pertaining to Civil Service. During his tenure  
12 he shall hold no elective office nor shall he engage in any other  
13 business or occupation. He may appoint such employees,  
14 other than Division Directors, as the exercise and perform-  
15 ance of his powers, rights and duties may require, subject to  
16 appropriations made available by the Town Meeting. The Se-

17 lectmen shall appoint and fix the compensation of the Division  
18 Directors of such Divisions as from time to time the Selectmen  
19 may determine require Division Directors. The Directors of  
20 such Divisions shall serve under the direction of the Commis-  
21 sioner of Public Works. The Directors of such Divisions shall  
22 be appointed annually for the term of one year and until their  
23 respective successors are appointed and qualified, and, except  
24 for the present incumbents, shall not be subject to the rules  
25 and laws pertaining to Civil Service. The Commissioner of  
26 Public Works or the Director of any Division may be removed  
27 by the Selectmen at any time when, in their judgment, the  
28 public interest so requires, and any vacancy in such office from  
29 any cause may be filled by appointment by the Selectmen for  
30 the remainder of the unexpired term. Except as herein other-  
31 wise provided, all employees shall be subject to the rules and  
32 laws pertaining to Civil Service.

33 All persons employed by or under the supervision of any  
34 Board, Commission or Office abolished by this act, shall upon  
35 the initial appointment and qualification of the Commissioner  
36 of Public Works be transferred to the Department. All such  
37 transfers of employees shall be made without loss of pay and  
38 without change of rating, seniority, retirement or pension  
39 rights, or any other privileges under any provisions of law or  
40 by-law.

41 The present incumbent Superintendents of all Boards, Com-  
42 missions and Offices abolished by this act when transferred to  
43 the department shall become the Division Directors of the  
44 corresponding Divisions of said Department without loss of  
45 pay and without loss of rights under the laws and rules relat-  
46 ing to Civil Service.

1 SECTION 3. The Department of Public Works shall consist  
2 of the following Departments or Divisions:

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| 3 | Highway     |
| 4 | Engineering |
| 5 | Sewer       |
| 6 | Sanitation  |
| 7 | Water       |

1 SECTION 4. Upon the qualification of the Commissioner of  
2 public works he shall have all the powers and duties now and  
3 from time to time vested by general or special law or by-law  
4 in the Boards, Commissions and Offices presently in charge of  
5 the Departments or Divisions to be included within the De-  
6 partment of Public Works and upon the initial appointment  
7 and qualification of such Commissioner, such Boards, Commis-  
8 sions and Offices shall be abolished. No existing contract or  
9 liability shall be affected by such abolition but the Commis-  
10 sioner of Public Works shall in all respects be the lawful suc-  
11 cessor to the Boards, Commissions and Offices so abolished.  
12 The Commissioner of Public Works shall have such added pow-  
13 ers with respect to public works as the Town may from time  
14 to time by by-law provide, any other provisions of law to the  
15 contrary notwithstanding.

16 The Selectmen may appoint Advisory Boards or Commis-  
17 sions in place of the Boards, Commissions or Offices abolished  
18 by this act, the duties of which shall be to act in an advisory  
19 capacity to the Commissioner of Public Works, and the Select-  
20 men may at any time abolish any or all of said Advisory  
21 Boards or Commissions. The members of said Advisory  
22 Boards or Commissions shall be appointed in April to serve for  
23 a term of three years from the first day of May next follow-  
24 ing. The compensation, if any, of the members of such Ad-  
25 visory Boards or Commissions shall be such as the Selectmen  
26 may from time to time vote.

1 SECTION 5. This act shall take full effect upon its acceptance  
2 by the town of Brookline by a majority vote of the Town  
3 Meeting Members present and voting thereon at an annual or  
4 special representative Town Meeting called for the purpose  
5 within two years of the passage of this act but not otherwise.

