

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 2077) of Patrick F. Landers, III, and Robert D. Wetmore (by vote of the town) for legislation to authorize the town of Ware to establish a department of public works. Local Affairs.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-Nine.

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AN ACT AUTHORIZING THE TOWN OF WARE TO ESTABLISH A DEPARTMENT 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 of Ware  
2 a department of public works which shall be under the jurisdiction  
3 of the Board of Selectmen and said board shall assume jurisdiction  
4 over such town boards and officers abolished by section two of  
5 this act.

1 SECTION 2. The Board of Selectmen shall have all the powers  
2 and duties now and from time to time vested by general or special  
3 law or town by-laws in the following boards and offices or in  
4 boards and offices having corresponding duties in the Town of  
5 Ware to wit: the highway surveyor, the tree warden, and the water  
6 and sewer commissioners and such boards and offices are hereby  
7 abolished. No contracts or liabilities in force on the effective date  
8 of this act shall be affected, but the Board of Selectmen shall in  
9 all respects be the lawful successor of the boards and offices so  
10 abolished. Said board shall have jurisdiction over the maintenance  
11 of the sanitary landfill. The board through the department under  
12 the jurisdiction of a superintendent of public works shall provide  
13 the cemetery commissioners and the park commissioners with  
14 departmental support, including use of manpower, use of  
15 equipment, capital expense, and clerical assistance for the  
16 purposes of maintaining the properties under the jurisdiction of

17 said commissioners, and providing necessary departmental  
18 support to said commissioners as required by said commissioners  
19 to assist the commissioners with duties under the jurisdiction of  
20 said commissioners, subject to the approval of the Board of  
21 Selectmen and the availability of funds as appropriated by the  
22 town meeting. The cemetery commissioners and the park  
23 commissioners shall have full rights and powers over the trust  
24 funds, properties, and facilities currently under their respective  
25 jurisdictions, subject to relevant deed restrictions, the provisions  
26 of all applicable laws, rules, regulations, and town by-laws. The  
27 selectmen shall have such additional powers with respect to public  
28 works as the town from time to time by by-law provides.

1 SECTION 3. The Board of Selectmen shall appoint and fix the  
2 compensation of a superintendent of public works who shall  
3 exercise and perform, under the supervision and direction of said  
4 board, such of the powers, rights, and duties transferred to said  
5 board under the provisions of section two and said board may  
6 from time to time delegate. Such superintendent shall be specially  
7 fitted by education, training and experience to perform the duties  
8 of his office and need not be a resident of the town during his  
9 tenure in office. Such superintendent shall be responsible for the  
10 efficient exercise and performance of such powers, rights and  
11 duties and may be removed for just cause only and by a vote of  
12 at least a majority of said board. Such superintendent shall be  
13 given a written notice at least fourteen days prior to the date of  
14 removal, which shall specify the reasons for such removal and at  
15 his request a public hearing shall be held on the charges brought  
16 against him. During his tenure, he shall hold no other elective or  
17 appointive office nor shall he engage in any other business or  
18 occupation. Such superintendent shall give the town a bond with  
19 a surety company authorized to transact business in the  
20 commonwealth as surety for the faithful performance of his duties  
21 in such sum and upon such conditions as the Selectmen may  
22 require, and shall subject to the approval of said board, appoint  
23 such assistants, agents and employees as the exercise and  
24 performance of his powers, rights, and duties may require. Such  
25 superintendent shall render to the Board of Selectmen, as often  
26 as said board may require, a full report of all operations under  
27 his control during the period reported upon, and annually, and

28 from time to time as required by said board, shall make a synopsis  
29 of such reports for publication and shall keep said board fully  
30 advised as to the needs of the town within the scope of his duties,  
31 and shall annually, prior to the expiration of the fiscal year of  
32 said town furnish to said board a carefully prepared and detailed  
33 estimate in writing of the appropriations required during the next  
34 fiscal year for the proper exercise and performance of all said  
35 rights and duties. The incumbent of the office of highway surveyor  
36 and of the office of tree warden, and each permanent employee  
37 of any board of office abolished by this act, and the permanent  
38 employees of the cemetery department and the parks department  
39 may be transferred to and become an employee of the department  
40 of public works subject to the approval of the Board of Selectmen  
41 by a vote of at least a majority of said board and every employee  
42 so transferred shall continue to serve and shall retain all rights  
43 to holidays, sick leave, vacations and other benefits in effect on  
44 the effective date of this act.

1 SECTION 4. This act shall be submitted to the voters of the  
2 town of Ware for acceptance at the annual town election in the  
3 year nineteen hundred and ninety in the form of the following  
4 question, which shall be placed on the official ballot to be used  
5 for the election of town officers at said election: "Shall an act  
6 passed by the General Court in the year nineteen hundred and  
7 ninety, entitled, 'An Act Authorizing the Town of Ware to  
8 Establish a Department of Public Works,' be accepted?" If the  
9 majority of the votes cast in answer to this question is in the  
10 affirmative, this act shall become effective, upon approval by the  
11 office of the Attorney General.

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