

have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such political designation or mark.

SECTION 2. Except as otherwise provided in this act, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns, shall, so far as applicable, govern such elections in the town of Canton.

SECTION 3. This act shall be submitted to the voters of the town of Canton at the annual town meeting to be held in the year nineteen hundred and fifty-six, in the form of the following question which shall be printed on the official ballot used for the election of town officers: — “Shall an act passed by the general court in the year nineteen hundred and fifty-six, entitled ‘An Act providing for non-partisan town elections in the town of Canton’, be accepted?” If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take full effect, but not otherwise. *Approved February 8, 1956.*

Chap. 55 AN ACT ESTABLISHING THE SELECTMEN-MANAGER FORM OF GOVERNMENT IN THE TOWN OF WILLIAMSTOWN.

Be it enacted, etc., as follows:

SECTION 1. *Acceptance.* — This act shall be submitted for acceptance to the qualified voters of the town of Williamstown at the annual town election or the biennial state election following the passage of this act, whichever occurs first. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the following question which shall be placed upon the ballot to be used at said election: — “Shall an act passed by the General Court in the year nineteen hundred and fifty-six, entitled ‘An act establishing the selectmen-manager form of government in the town of Williamstown’, be accepted?” If a majority of the voters voting on this question vote in the affirmative, this act shall take effect immediately in so far as it relates to the ensuing annual town election, and shall take full effect upon the qualification of a majority of the selectmen first elected as provided in this act.

If this act is rejected by the qualified voters of the town when first submitted it shall again be submitted to the said voters at the next following annual town election, and if accepted by a majority of voters voting thereon it shall take effect as hereinbefore provided. If the majority of voters voting on this question when so further submitted, shall vote in the negative this act thereupon shall become void.

SECTION 2. *By-Laws.* — All laws, by-laws, votes, rules and regulations in force in the town of Williamstown on the effective date of this act, not inconsistent with its provisions, whether enacted by authority of the town, or any other au-

thority, shall continue in full force and effect until otherwise provided by law, by-law or vote; all other laws, by-laws, votes, rules and regulations, so far as they refer to the town of Williamstown, are hereby repealed and annulled, but such repeal shall not revive any pre-existing enactment.

SECTION 3. *Election of Selectmen.* — At the first annual town meeting following the acceptance of this act the voters shall elect by ballot five selectmen, of whom two shall serve for terms of three years, two for terms of two years, and one for a term of one year. At each annual election thereafter there shall be elected in place of those selectmen whose terms are about to expire, a like number of selectmen, each to serve for a term of three years. The selectmen shall receive such compensation, if any, as the town may by vote determine. They shall serve until their successors are elected and qualified. If for any reason, a vacancy shall occur in the membership of the selectmen, the remaining selectmen may at any time prior to the next annual town election appoint a qualified person to serve as selectman until such election, at which election the voters shall elect a selectman to serve for the unexpired portion, if any, of the original term.

SECTION 4. *Powers of the Selectmen.* — The selectmen shall appoint and may remove a town manager, as hereinafter provided, the registrars of voters other than the town clerk, election officials, the board of appeals, and the clerk of the selectmen, unless otherwise provided by vote of the town.

SECTION 5. *Other Elected Officials.* — The town shall continue to elect a moderator, school committee and library trustees, and unless otherwise provided by law or by-law, the moderator shall continue to appoint a finance committee and such special committees as the voters may designate. The term of office of any officer, board or commission so continued shall not be interrupted.

Every other elective office, board or commission shall be terminated as hereinafter provided, any other provision of law to the contrary notwithstanding.

The term of office of any person elected to any office, board or commission existing at the time of such acceptance and terminated hereunder shall continue until such first town election and until the appointment and qualification of his successor, if any, and thereafter the said offices, boards and commissions shall be abolished, and all powers, duties and obligations conferred or imposed thereon by law, except as provided by this act, shall be conferred and imposed upon the selectmen and exercised by the town manager to the extent hereinafter provided. They shall be sworn to the faithful performance of their duties by the chairman of the selectmen or by a justice of the peace.

SECTION 6. *Memberships, Terms, Powers, Duties and Responsibilities.* — The number of members of boards, commissions and committees appointed under this act, the length of the term of each member thereof and of officers so appointed, and the powers, duties and responsibilities of the

same, shall be as now or hereafter provided by any applicable law, by-law or vote of the town, except as herein otherwise provided. Upon appointment and qualification of the various officials as provided in this act, the term of office and all powers and duties of each person theretofore holding each such office shall cease and be terminated.

Officers, boards, commissions and committees appointed by the town manager shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law upon them or upon officers, boards, commissions or committees having corresponding powers and duties, but in the performance thereof they shall be subject to the general supervision of the town manager. They shall be sworn to the faithful performance of their duties by the chairman of the selectmen or by a justice of the peace.

SECTION 7. *Powers of the School Committee.* — All the powers, rights, duties and liabilities now or hereafter conferred or imposed by law upon the school committee shall be exercised and performed by the school committee, provided, however, that said committee may request in writing, to the selectmen, the services of the town manager in the purchase of any supplies, materials, or equipment, in the construction, repair or maintenance of buildings, structures, grounds or equipment, or in any other capacity appropriate to the duties of his office.

SECTION 8. *Powers of the Library Trustees.* — All the powers, rights, duties and liabilities now or hereafter conferred or imposed by law upon the library trustees shall be exercised and performed by the library trustees, provided, however, that the said trustees may request in writing, to the selectmen, the services of the town manager in the purchase of any supplies, materials, or equipment, in the construction, repair or maintenance of buildings, structures, grounds or equipment, or in any other capacity appropriate to the duties of his office.

SECTION 9. *Powers of the Fire District.* — Nothing in this act shall be construed to affect the powers and duties of the fire district, as provided by law, provided, however, that the prudential committee, in behalf of the district, and the selectmen in behalf of the town, may provide by a written agreement for the performance by the town manager of such services for the district as may be appropriate to the duties of his office, and for the reimbursement of any expense incurred therefor.

SECTION 10. *Multiple Offices.* — A member of the board of selectmen or of the school committee, or of the finance committee shall, during the term for which he was elected or appointed, be ineligible either by election or appointment to hold any other town office. Any person appointed by the town manager to any town office under the provisions of this act or of any general or special law shall be eligible, during the term of said office, to election or appointment to any

other town office, except that the town accountant shall not be eligible to hold the position of town treasurer or the position of town collector. The town manager, with the approval of the selectmen, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office which he is authorized to fill by appointment, but shall receive no additional compensation therefor.

SECTION 11. *Appointment of Town Manager.* — The selectmen elected as provided herein shall appoint as soon as practicable, a town manager, who shall be a person especially fitted by training and experience to perform the duties of the office. The town manager shall be appointed without regard to his political beliefs. He need not be a resident of the town or of the commonwealth when appointed, and shall not, during the twelve months prior to his appointment, have held any elective or appointive office in the town of Williamstown, other than the office of assistant town manager, if any. The town manager shall be a resident of the town during the term of his office. Before entering upon the duties of his office he shall be sworn to the faithful and impartial performance thereof by the chairman of the selectmen, or by the town clerk, or by a justice of the peace. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such surety as may be fixed or approved by the selectmen.

SECTION 12. *Appointment of Temporary Manager.* — Any vacancy in the office of town manager shall be filled as soon as possible by the selectmen. Pending appointment of a town manager or the filing of a vacancy, the selectmen may appoint a suitable person to perform the duties of the office.

SECTION 13. *Removal of Town Manager.* — The selectmen, by a vote of three or more members of the board, may remove the town manager. At least thirty days before such removal shall become effective, the selectmen shall file a preliminary written resolution with the town clerk setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the town manager. The manager may reply in writing to the resolution and may request a public hearing. If the manager so requests, the board of selectmen shall hold a public hearing not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, the selectmen by a vote of three or more members of the board may adopt a final resolution of removal. In the preliminary resolution the selectmen may suspend the manager from duty, but shall in any case cause to be paid to him forthwith any unpaid balance of his salary and his salary for the next three calendar months following the filing of the preliminary resolution.

SECTION 14. *Compensation of the Manager.* — The town manager shall receive such compensation for his services as

the selectmen shall determine, but it shall not exceed the amount appropriated therefor by the town.

SECTION 15. *Powers and Duties of the Manager.* — In addition to the specific powers and duties provided in this act, the town manager shall have the following powers and duties: —

(a) The town manager shall supervise and direct the administration of all departments, commissions, boards, and offices of the town, except those elected by the voters, or appointed by the selectmen or by the moderator.

(b) The town manager, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary, and in so doing, may transfer the duties and powers, and so far as possible in accordance with the vote of the town, the appropriations of one department, commission, board or office to another.

(c) Except as otherwise provided by this act, the town manager shall appoint upon merit and fitness alone, and subject to the provisions of chapter thirty-one of the General Laws where applicable, may remove a town accountant, a town clerk, a town collector, a town treasurer who may act as a town collector, a town counsel, a welfare agent and assessors. He may in like manner appoint and remove such other officers and employees, as he deems necessary to carry out the powers and duties imposed upon him by this act. Permanent officers and employees not subject to chapter thirty-one of the General Laws shall not be removed by the town manager except on ten days' notice in writing setting forth the cause of such removal.

(d) The town manager shall fix the compensation of all town officers and employees appointed by him, subject to any applicable provisions of chapter thirty-one or of section one hundred and eight A of chapter forty-one of the General Laws.

(e) It shall be the duty of the town manager to attend regular meetings of the board of selectmen, except meetings at which his removal is being considered.

(f) The town manager shall keep full and complete records of his office, and shall render as often as may be required by the selectmen a full report of activities under his supervision.

(g) The town manager shall keep the selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.

(h) The town manager shall have jurisdiction over and be responsible for the planning, construction, reconstruction, alteration, repair, maintenance, improvement, use and rental

of all town property except as hereinbefore provided with respect to schools and library and except as otherwise specifically voted by the town.

(i) Except as otherwise provided by this act, the town manager shall purchase all supplies, materials and equipment, and shall award all contracts for all departments and activities of the town.

(j) The town manager shall administer, either directly or through a person or persons appointed by him in accordance with this act, all provisions of general and special laws applicable to the town, all by-laws, and all regulations established by the selectmen.

(k) The town manager shall, with the approval of the selectmen, have authority to prosecute, defend and compromise all litigation to which the town is a party, and to employ special counsel whenever in his judgment it may be necessary.

(l) The town manager shall perform such other duties consistent with his office, as may be required of him by the by-laws or by vote of the selectmen.

(m) The town manager shall have access to all town books and papers for information necessary for the proper performance of his duties, and may without notice cause the affairs of any department or activity under his control or the conduct of any officer or employee appointed by him to be examined.

SECTION 16. *Acting Manager.* — The town manager shall, by a letter filed with the town clerk, designate a qualified officer of the town subject to the approval of the selectmen, to perform his duties during his temporary absence or disability. In the event that the town manager should fail to make such a designation, the selectmen shall so designate a qualified town officer to perform the duties of the town manager until he shall return or his disability shall cease.

SECTION 17. *Annual Budget.* — All officers, boards and commissions of the town shall submit to the town manager in writing detailed estimates of their appropriations required for the efficient and proper conduct of their respective offices and departments and such further information, in such form and at such times as the town manager may require. On or before the fifteenth day of December in each year, or such other date as the town may by by-law prescribe, the town manager shall prepare and submit to the finance committee a budget for the ensuing year and all supplementary information in such form and detail as they may deem necessary or the town may require by by-law.

SECTION 18. *Approval of Warrants.* — The town manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds, prepared by the town accountant, in accordance with the provision of section fifty-six of chapter forty-one of the General Laws, shall be submitted to the town manager. The approval of any such warrant by the town manager shall be sufficient authority to authorize pay-

ment by the town treasurer, but the selectmen shall approve all warrants in the event of the absence of the town manager or a vacancy in the office of the town manager.

SECTION 19. *Investigation of Claims.* — Whenever any payroll, bill or other claim against the town is presented to the town manager, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the interests of the town, refer it to the selectmen, who shall immediately investigate the facts and determine what payment, if any, should be made. Pending such investigation and determination by the selectmen, payment shall be withheld.

SECTION 20. *Certain Officers not to Make Contract with the Town.* — It shall be unlawful for any selectman, the town manager, or any other elective or appointive official of the town, directly or indirectly, to make a contract with the town, or to receive any commission, discount, bonus, gift, reward or contribution, or any share in the profits of any person or corporation making or performing such a contract, unless the official concerned, immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify the selectmen in writing of the contract and of the nature of his interest therein and shall abstain from doing any official act on behalf of the town in reference thereto. In case such interest exists on the part of an officer whose duty it is to make such a contract on behalf of the town, the contract may be made by another officer of the town duly authorized thereto by vote of the selectmen. Violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the town.

SECTION 21. *Existing Contracts and Proceedings.* — No contract existing and no action at law or suit in equity or other proceeding pending at the time this act is accepted or at the time of revocation of such acceptance shall be affected by such acceptance or revocation.

SECTION 22. *Investigations or Surveys.* — For the purpose of making investigations or surveys, the selectmen or the town manager may expend such sums for the employment of experts, counsel and other assistants, and for other expenses in connection therewith, as the town may appropriate for such purpose.

SECTION 23. *Revocation.* — At any time after the expiration of three years from the date of acceptance of this act, a petition signed by not less than ten per cent of the registered voters of the town may be filed with the selectmen, requesting that the question of revoking the acceptance of this act be submitted to the voters at the following annual town election. The selectmen shall thereupon direct the town clerk to cause the said question to be printed on the official ballot to be used at the next annual town election in the following form:—“Shall the acceptance by the town of Williamstown of an act passed by the General Court in the year

nineteen hundred and fifty-six entitled 'An act establishing the selectmen-manager form of government in the town of Williamstown', be revoked?" If such revocation is favored by a majority of the voters voting thereon, this act shall cease to be operative on and after the next annual town election, except as hereinafter provided. All general laws respecting town administration and town officers, and any special laws relative to Williamstown, the operation of which has been suspended or superseded by the acceptance of this act, shall be revived forthwith for the purposes of the next following election and shall be revived in their entirety on and after said election. By-laws in force when such revocation takes effect, so far as they are consistent with general laws respecting town administration and town officers and with special laws relating to said town, shall not be affected thereby, but any other by-laws inconsistent with such general or special laws shall be annulled. If such revocation is not favored by a majority of the voters voting thereon, no further petition therefor shall be filed under this section oftener than once in every three years thereafter.

Approved February 9, 1956.

AN ACT RELATIVE TO THE WATER SUPPLY OF THE CITY OF *Chap. 56*
NEWBURYPORT.

Be it enacted, etc., as follows:

Chapter 403 of the acts of 1908 is hereby amended by striking out sections 11 and 12 and inserting in place thereof the following sections: — *Section 11.* The water commissioners shall fix such prices or rates for the use of water as will produce annually, as nearly as may be, an amount sufficient, with the sum of not less than five thousand dollars which is to be raised by the city by general taxation as aforesaid, to defray all current operating expenses, including maintenance, all interest charges and payments on principal as they accrue upon any bonds, notes or scrip heretofore or hereafter issued by said city for water supply purposes, and may so fix such prices or rates as to produce a surplus of not more than fifteen thousand dollars.

Section 12. The said commissioners shall apply the sums received from the water rates, in the first instance, to the payment of the expenses and charges named in the preceding section. The remainder, to the extent of not more than fifteen thousand dollars in any one year, they may expend for new construction. They shall make no contract for new construction calling for an expenditure of a sum greater than fifteen thousand dollars in any one year, or calling for an expenditure which cannot be met from the water rates, until an appropriation therefor has been made by the city council. If a surplus shall remain from the water rates at the close of any fiscal year, after the payment of the expenditures aforesaid, it shall be applied to the payment of the said expendi-