

such sums of money voted to be raised by said district for the purposes specified in this act and in chapter two hundred and thirty-nine, as amended, and chapter five hundred and twenty-nine, both of the acts of nineteen hundred and nine, and shall render a certified copy of the vote, with the apportionment made by said clerk, to the assessors of the towns of South Hadley and Granby. Said tax shall be assessed, collected and deposited in accordance with the provisions of chapter five hundred and twenty-nine of the acts of nineteen hundred and nine.

SECTION 4. This act shall take effect upon its acceptance by a majority of the voters of said district present and voting thereon at a meeting called for the purpose and held within three years after the passage of this act.

*Approved February 5, 1957.*

AN ACT AUTHORIZING FIRE DISTRICT NUMBER ONE OF THE TOWN OF SOUTH HADLEY AND FIRE DISTRICT NUMBER TWO IN THE TOWN OF SOUTH HADLEY TO SUPPLY EACH OTHER WITH WATER. Chap. 35

*Be it enacted etc., as follows:*

SECTION 1. Fire District Number One of the town of South Hadley and Fire District Number Two in the Town of South Hadley may, subject to such terms and conditions as may be agreed upon by the water commissioners of the two districts, provide a supply of water to each other.

SECTION 2. Water supplied under the authority of section one hereof may be made available through a common connection providing for an exchange of water between the two districts or may be supplied through a pipe or pipes connecting one district to a part or parts of the other district.

SECTION 3. This act shall take effect upon its acceptance by a majority of the voters of each district present and voting thereon at a meeting of each district called for the purpose and held within three years after the passage of this act.

*Approved February 5, 1957.*

AN ACT ESTABLISHING A TOWN MANAGER FORM OF GOVERNMENT FOR THE TOWN OF NORTH READING. Chap. 36

*Be it enacted, etc., as follows:*

SECTION 1. *Scope of the Act.*—Whenever any board, commission, committee or office is provided for or referred to in this act, the term of office of the members or incumbents thereof, the number of members and the powers, duties and obligations appertaining thereto, shall be the same as may now or hereafter be fixed by general provisions of law with respect to town boards, commissions, committees or offices having corresponding powers or duties, or by the by-laws of the town, now or hereafter in force, except as expressly otherwise provided herein.

Nothing in this act shall be construed to affect in any manner any by-law of the town now in effect or which may be adopted hereafter, or the power of the town to amend, alter or adopt any by-law, or the operation or applicability to the town of North Reading of any general or special law now or hereafter in effect, except in so far as may be expressly provided herein.

SECTION 2. *Elective Offices.* — Beginning with the first town election following acceptance of this act, the only boards, officers or committees to be elected by the voters shall be the selectmen, the school committee, and the moderator. Every other elective office, board or commission shall be terminated as herein 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 or commissions shall be abolished, and all powers, duties and obligations conferred or imposed thereon by law shall be conferred and imposed upon the town manager, with the exceptions herein provided.

SECTION 3. *Election of Selectmen.* — At the first town election following acceptance of this act, there shall be elected two selectmen for three years, two selectmen for two years, and one selectman for one year. Upon the qualification of the selectmen so elected, the term of office of the board of selectmen then existing shall terminate. At each annual town election thereafter, the voters shall elect selectmen for three year terms to replace those whose terms are about to expire. When a vacancy occurs among the selectmen the remaining selectmen shall have the power to fill the vacancy until the next town election, at which the voters shall elect a selectman for the remainder of the unexpired term.

SECTION 4. (a) *Appointments by Selectmen.* — In addition to the town manager, whose appointment and removal is hereinafter provided for, the selectmen shall appoint, and may remove, a board of appeals, town accountant, election officers, and registrars of voters except the town clerk.

(b) *Appointment by Moderator.* — The moderator shall appoint the finance committee.

SECTION 5. *Multiple Officers.* — 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 elected or appointed to any other office, board, commission, or committee under the provisions of this act or of any general or special law shall be eligible during the term of such office to election or appointment to any other town office, board, commission or committee, except that the town accountant shall not be eligible to hold the position of town treasurer or town col-

lector. The town manager, subject to any applicable provision of law relating thereto, may assume the duties of any office which he is authorized to fill by appointment without additional compensation.

SECTION 6. *Investigations or Surveys.* — For the purpose of making investigations or surveys, the town manager, with the approval of the selectmen, 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 purposes.

SECTION 7. *Appointment of Town Manager.* — The selectmen elected as provided herein shall appoint, as soon as practicable, for a term of three years, a town manager who shall be a person especially fitted by education, training and by previous 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 this commonwealth when appointed, and shall not during the twelve months prior to his appointment have held any elective office in the town of North Reading, but shall be a resident of the town during his term of office. He may be appointed for successive terms of office. Before entering upon the duties of his office, the town manager shall be sworn to the faithful and impartial performance thereof 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 or sureties as may be fixed or approved by the selectmen.

SECTION 8. *Appointment of a Temporary Manager.* — Any vacancy in the office of town manager shall be filled as soon as possible by the selectmen. Pending the appointment of a town manager or the filling of any vacancy, the selectmen may appoint a suitable person to perform the duties of the office.

SECTION 9. *Acting Manager.* — The town manager may designate, by letter filed with the town clerk, a qualified officer of the town to perform his duties during his temporary absence or disability. In the event of failure of the manager to make such designation the selectmen may, by resolution, designate an officer of the town to perform the duties of the manager until he shall return or his disability shall cease.

SECTION 10. *Removal of Manager.* — The selectmen, by a majority vote of the full membership of the board, may remove the town manager. At least thirty days before such proposed removal shall become effective, the selectmen shall file a preliminary written resolution with the town clerk setting forth in detail the specific reasons for his proposed removal, a copy of which resolution shall be delivered to the town manager by registered mail at his last known address. 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 or 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 majority vote of the full membership of the board may adopt a final resolution of removal. In the preliminary resolution, the selectmen may suspend the manager from duty, but in any case his salary shall continue to be paid until the expiration of one month from the date of adoption of the final resolution of removal.

SECTION 11. *Compensation of 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 12. *Powers and Duties of Manager.*—In addition to any other powers and duties expressly provided for 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 excluding school janitors, except those elected by the voters or appointed by the selectmen or moderator.

(b) Subject to any applicable provisions of chapter thirty-one and of section one hundred and eight A of chapter forty-one of the General Laws, the town manager shall fix the compensation of all town officers and employees appointed by him, within the limits of the amounts appropriated therefor by the town.

(c) The town manager shall attend all regular meetings of the board of selectmen except meetings at which his removal is being considered.

(d) 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 all operations during the period reported on.

(e) 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.

(f) The town manager shall have jurisdiction over the rental and use of all town property, except schools. He shall be responsible for the maintenance and repair of all town property including major maintenance and repair items of school buildings and grounds, namely individual items costing in excess of three hundred dollars. Minor maintenance and repairs as provided for in the school budget shall be the responsibility of the school committee. Except as otherwise voted by the town, he shall be responsible for the preparation of plans and the supervision of work on all construction, reconstruction, alterations, improvements and other undertakings authorized by the town, subject, however, to the approval of the school committee with respect to plans

for the construction or improvement of school buildings or property.

(g) The town manager shall purchase all supplies, materials and equipment, and shall award all contracts for all departments and activities of the town under his supervision; and he shall make all purchases for departments or activities not under his supervision but only upon and in strict accordance with a requisition duly signed by the head of any such department.

(h) 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 said town, all by-laws and all regulations established by the selectmen.

(i) The town manager shall, with the approval of the selectmen, have authority to prosecute, defend or compromise all litigation to which the town is a party.

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

(k) 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 thereof to be examined.

(l) 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, powers, and, so far as possible in accordance with the vote of the town, the appropriation of one department, commission, board or office to another.

SECTION 13. *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 applicable provisions of law shall be submitted to the town manager. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the selectmen alone shall approve all warrants in the event of the absence of the town manager or a vacancy in the office of town manager.

SECTION 14. *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, if any, payment should be made. Pending such in-

vestigation and determination by the selectmen, payment shall be withheld.

SECTION 15. *Certain Officers Not to Make Contracts 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, contribution or reward from, 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 a 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. Any person violating any provision of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 16. *Estimates of Expenditures.* — All boards, officers and committees of the town shall annually, at the request of the town manager, submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments and offices during the next fiscal year. On or before the fifteenth of January, the town manager shall submit to each member of the finance committee and of the board of selectmen a copy of his annual budget, which shall contain a careful, detailed estimate of the probable expenditures of the town for the ensuing fiscal year, including a statement of the amounts required to meet the interest and maturing bonds and notes or other indebtedness of the town, and showing specifically the amount necessary to be provided for each office, department and activity, together with a statement of the expenditures for the same purposes in the two preceding years and an estimate of the expenditures for the current year. He shall also submit a statement showing all revenues received by the town in the two preceding years, together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. He shall also report to said committee and to the selectmen the probable amount required to be raised by taxation to defray all of the proposed expenditures of the town, together with an estimate of the tax rate necessary therefor.

SECTION 17. *Contracts.* — 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 18. *Submission of Act and Time of Taking Effect.* — This act shall be submitted for acceptance to the qualified voters of the town of North Reading at the first town election or state election after passage of this act. 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-seven, entitled ‘An act establishing a town manager form of government for the town of North Reading’ be accepted by the town?” If a majority of the voters voting on this question vote in the affirmative, said act shall take effect immediately for the purpose of the next town election, and for all things relating thereto, and shall take full effect beginning with said following election. It shall be the duty of all town officials having to do with elections and holding office at the time of acceptance to do, in compliance with law, all things necessary for the nomination and election of officers first to be elected under this act.

If this act is rejected when first submitted it shall again be submitted at the next following annual town election, and if accepted shall take effect as hereinbefore provided.

If this act is rejected for the second time it shall be submitted a third time at the next following annual town election, and if accepted shall take effect as hereinbefore provided. If this act is again rejected when so submitted for the third time, it shall thereupon become void.

SECTION 19. *Revocation of Acceptance.* — At any time after the expiration of three years from the date on which this act takes full effect, and not less than ninety days before the date of an annual meeting, 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. No such petition shall be valid unless notice thereof shall be published by the selectmen for at least two consecutive weeks in a newspaper having general circulation in the town, the last publication to be at least thirty days prior to said annual meeting. 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 election in the following form: — “Shall the acceptance by the town of North Reading of an act passed by the General Court in the year nineteen hundred and fifty-seven, entitled ‘An act establishing a town manager form of government for the town of North Reading’ 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 annual meeting next following such vote. All general laws respecting town adminis-

tration and town officers, and any special laws relative to said town, the operation of which has been suspended or superseded by acceptance of this act, shall be revived by such revocation and shall continue to be in full force and effect. By-laws, votes, rules and regulations in force when such revocation takes effect, so far as they are consistent with the 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, votes, rules and regulations inconsistent with such general or special laws shall be annulled. If such revocation is not favored by a majority of the voters voting thereon, further petitions therefor may be filed under this section but not oftener than once in every three years. *Approved February 5, 1957.*

*Chap. 37* AN ACT VALIDATING A CERTAIN CONTRACT OF THE TOWN OF BREWSTER.

*Be it enacted, etc., as follows:*

SECTION 1. The action of the town of Brewster in awarding through its school committee in July, nineteen hundred and fifty-six, a contract for two thousand seven hundred dollars for retiling floors in the Brewster elementary school is hereby validated and confirmed notwithstanding the failure to comply with the provisions of sections forty-four A to forty-four D, inclusive, of chapter one hundred and forty-nine of the General Laws and any action taken by the town or its officers shall be valid and effective for all purposes as though this act were in full effect at the time of the award of said contract.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1957.*

*Chap. 38* AN ACT RELATIVE TO THE FILLING OF VACANCIES IN CITY, WARD AND TOWN COMMITTEES.

*Be it enacted, etc., as follows:*

Chapter 52 of the General Laws is hereby amended by striking out section 6, as appearing in section 1 of chapter 346 of the acts of 1938, and inserting in place thereof the following section:— *Section 6.* A vacancy in the office of chairman, secretary or treasurer or in any other office, notice of the filling of which must be filed under the provisions of section five, of a city, ward or town committee or in the membership of a ward or town committee shall be filled by such committee from among the enrolled members of the party resident in such city, ward or town, and a statement of any such change shall be filed as in the case of the officers and members first chosen. If any member shall change his residence from the city, ward or town in which he was chosen to fill said vacancy, he shall cease to be a member at the end of the calendar year during which said residence is changed. *Approved February 6, 1957.*