

Chap. 462 AN ACT AUTHORIZING THE TOWN OF AYER TO ESTABLISH A BOARD OF PUBLIC WORKS EXERCISING THE POWERS OF WATER COMMISSIONERS, SEWER COMMISSIONERS AND OF SELECTMEN WITH RESPECT TO HIGHWAYS.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Ayer an unpaid board of public works, hereinafter called the board, to consist of three members. The initial members thereof shall be elected, one to serve for one year, one for two years, and one for three years, from the date of the annual town election at which they are elected, and thereafter, when the term of any member expires, his successor shall be elected to serve for three years. In all cases the members shall serve until their successors are qualified. The members of the board shall, forthwith after each annual town election, elect one of their members to act as chairman for the ensuing year. In case of a vacancy, the remaining members of the board, if they constitute a quorum, may fill such vacancy until the next annual town election, when a new member shall be elected to fill the unexpired term. No person shall serve on the board who holds another elective or appointive office in the town.

SECTION 2. Upon the qualification of the initial members of the board of public works, the board of water commissioners and board of sewer commissioners shall be abolished and thereupon all of the powers, duties, rights and liabilities of the board of water commissioners, board of sewer commissioners, and of the selectmen in respect to all matters relating to the construction, care and maintenance of highways, bridges, drains and sidewalks shall be conferred and imposed upon the board of public works created by this act. No contracts or liabilities existing at the time of the acceptance of this act shall be affected thereby, but the board hereby created shall be in all respects and for all purposes whatsoever the lawful successor of the board of water commissioners and the board of sewer commissioners and also of the selectmen in all matters relating to the construction, care and maintenance of highways, bridges, drains and sidewalks.

SECTION 3. The board shall appoint and fix the compensation of a superintendent of public works, who shall exercise and perform, under its supervision and direction, such of the powers, rights and duties transferred to it under section two as it may from time to time designate. He shall be responsible for the efficient exercise and performance of such powers, rights and duties, and shall hold office subject to the will of the board. He shall be specially fitted by education, training and experience to perform the duties of said office, and may or may not be a resident of the town. During his tenure he shall hold no elective or other appointive office. He shall give to the town a bond with a surety company authorized to transact business in the commonwealth as

surety, for the faithful performance of his duties, in such sum and upon such conditions as the board may require, and shall, subject to the approval of the board, appoint such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require. He shall keep full and complete records of the doings of his office and render to the board as often as it may require a full report of all operations under his control during the period reported upon; and annually, and from time to time as required by the board, he shall make a synopsis of such reports for publication. He shall keep the board fully advised as to the needs of the town within the scope of his duties, and shall annually furnish to the board, not less than ten days prior to the expiration of the fiscal year of said town, a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

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

SECTION 5. This act shall be submitted for acceptance to the legal voters of said town at the annual town election in the year nineteen hundred and forty-nine, in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election: "Shall an act passed by the General Court in the year nineteen hundred and forty-eight, entitled 'An Act authorizing the Town of Ayer to establish a board of public works exercising the powers of water commissioners, sewer commissioners and of selectmen with respect to highways', be accepted?" If a majority of the votes cast in answer to such question are in the affirmative, this act shall become fully effective beginning with, and for the purposes of, the annual town election in the year nineteen hundred and fifty; otherwise it shall be of no effect.

Approved June 3, 1948.

AN ACT RELATIVE TO THE EXAMINATION OF COASTAL WATERS AND FLATS OF THE COMMONWEALTH AND SAMPLES OF SHELLFISH THEREIN OR THEREON. **Chap. 463**

Be it enacted, etc., as follows:

The first paragraph of section 74 of chapter 130 of the General Laws, as appearing in section 1 of chapter 598 of G. L. (Ter. Ed.), 130, § 74, etc., amended.