

By Mr. Laing of Braintree, petition of Donald J. Laing (by vote of the town) that the town of Braintree be authorized to establish a department of public works exercising the powers of certain departments and town officials of said town. Local Affairs. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Two.

AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS EXERCISING THE POWERS OF CERTAIN DEPARTMENTS AND TOWN OFFICIALS OF SAID TOWN.

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
2 Braintree a department of public works, hereinafter called the
3 department, which shall be under the supervision and control of
4 the board of selectmen. The department shall have all of the
5 powers and duties now vested in or exercised by any of the
6 following departments which are hereby abolished, to wit:
7 highway department, water department, sewer department, waste
8 disposal department, engineering department, park and rec-
9 reation department, tree and moth department, cemetery depart-
10 ment, inspector of buildings, wire inspector and the sealer of
11 weights and measures. The department shall also have the
12 responsibility for the operation, maintenance and repair of public
13 buildings, other than school buildings. It shall have such added
14 powers with respect to public works as the town may from time
15 to time by by-law provide, any other provision of law to the
16 contrary notwithstanding. No contracts, obligations or liabilities
17 in force on the date when this act becomes fully effective shall be
18 affected hereby, but the department shall in all respects be the
19 lawful successor of the departments so abolished.

1 SECTION 2. The board of selectmen shall appoint a super-
2 intendent of public works, whose qualifications, term, powers
3 and duties shall be determined and prescribed by said board, and
4 who shall be responsible to said board. Said superintendent shall
5 not be subject to the civil service laws and rules.

1 SECTION 3. The superintendent shall keep a full and com-
2 plete record of the doings of his office, shall render to the board
3 as often as it may require, a full report of all operations under his
4 control during the period reported upon, and annually and from
5 time to time as required by the board shall make a synopsis of
6 such reports for publication and shall keep the board fully
7 advised as to the needs of the town within the scope of his
8 duties, and shall annually, not less than thirty days prior to the
9 expiration of the fiscal year of said town, furnish to the board a
10 carefully prepared and detailed estimate in writing of the
11 appropriations required during the next succeeding fiscal year for
12 the proper exercise and performance of all said rights and duties.

1 SECTION 4. All employees of the departments or offices set
2 forth in section one of this act shall, immediately upon
3 acceptance of this act in the manner hereinafter provided, be
4 transferred to the said department of public works without loss
5 of pay and without loss of rights under the civil service laws and
6 rules, and shall not undergo any change of rating, seniority,
7 retirement or pension rights, or any other privileges under any
8 provision of law whatever. Said employees so transferred may be
9 employed under the director of the superintendent of public
10 works in any capacity identical with or reasonably similar to his
11 capacity at the time of his transfer.

1 SECTION 5. Upon the effective date of this act, as herein-
2 after provided, the offices of tree warden, building inspector,
3 wire inspector, sealer of weights and measures, cemetery com-
4 missioners, water commissioners, sewer commissioners, and park
5 commissioners shall be abolished, and all the powers and duties
6 vested by General Laws, special law or by-law in said offices, are
7 hereby transferred to the department of public works, estab-
8 lished in section one.

1 SECTION 6. All heads of departments and offices so trans-
2 ferred to said department of public works, who are subject to the
3 civil service laws and rules shall remain in a similar capacity in the
4 corresponding division under the department of public works,
5 subject however, to such changes as are necessary, without loss of
6 civil service rights, until their office is vacated by retirement or
7 any other cause, which office shall thereupon cease to exist.

1 SECTION 7. The selectmen may establish an advisory board
2 to the water, sewer and/or park and recreation divisions, and may
3 at any time thereafter abolish the same. Said advisory board shall
4 consist of three members to be appointed by the selectmen to
5 serve for terms of three years with such powers as the board may
6 determine. The compensation, if any, of members of said
7 advisory board shall be such as the selectmen may from time to
8 time determine.

1 SECTION 8. This act shall be submitted to the voters of the
2 town of Braintree for acceptance at the annual town election in
3 the year nineteen hundred and seventy-three, in the form of the
4 following question which shall be placed on the official ballot to
5 be used for the election of town officers at said election: —

6 “Shall an act passed by the General Court in the year nineteen
7 hundred and seventy-two, entitled ‘An Act authorizing the Town
8 of Braintree to establish a Department of Public Works exercising
9 the powers of certain other departments and town officials’ be
10 accepted?”

11 If a majority of the votes cast in answer to said question is in
12 the affirmative, this act shall take effect on April first, nineteen
13 hundred and seventy-three.

1 SECTION 9. If the act is rejected by the registered voters of
2 the town of Braintree when submitted to said voters under
3 section eight, it may be submitted for acceptance from time to
4 time in like manner and with like effect at any annual town
5 election in said town not later than that in the year nineteen
6 hundred and seventy-five, and if accepted at any such election,
7 shall take effect on the first day of April, following such
8 acceptance.

1 SECTION 10. The town of Braintree may after the expira-
2 tion of four years from the date of acceptance of this act vote at
3 an annual meeting to revoke such acceptance, and the question
4 of revocation shall be submitted to the voters in the form of the
5 following question: –

6 “Shall the acceptance by the town of Braintree of an act
7 passed by the General Court in the year nineteen hundred and
8 seventy-two, entitled ‘An Act authorizing the town of Braintree
9 to establish a department of public works exercising the powers
10 of certain other departments and town officials’ be revoked?”

11 If a majority of the votes cast in answer to said question is in
12 the affirmative, then at the next annual town election held after
13 said vote of revocation, the town shall elect such officers as are
14 necessary to exercise and perform the powers, rights and duties
15 transferred to the department of public works by said act. Such
16 action shall not affect any contract or liability then created or
17 existing. All general laws respecting town administration and
18 town officers and any special laws relative to said town, the
19 operation of which has been suspended or superceded by the
20 acceptance of this act, shall then be in full force and effect. Any
21 by-law inconsistent with such special or general laws shall be
22 revoked thereby. Any subsequent vote to revoke the acceptance
23 of this act shall not be taken more often than once in three years.