

HOUSE No. 1913

By Representative Scibak of South Hadley and Senator Rosenberg, a joint petition (accompanied by bill, House, No. 1913) of John W. Scibak and Stanley C. Rosenberg (by vote of the town) for legislation to establish a department of public works in the town of Hadley. Municipalities and Regional Government. [Local Approval Received].

The Commonwealth of Massachusetts

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In the Year Two Thousand Nine
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An Act to establish a department of public works in the town of Hadley.

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 Hadley a department of public
2 works under the jurisdiction of the board of selectmen. The department of public works shall
3 have charge and responsibility for the management of all public works operations of the town
4 including, but not limited to the following: highway, water, sewer, solid waste, engineering
5 services, building maintenance of all town buildings (except those under the jurisdiction of the
6 school department), cemetery, and other operations as may be deemed necessary or desirable.
7 The board of selectmen shall have the power to make all policy decisions related to the
8 operations of public works within the town of Hadley. All references herein to the "board" shall
9 refer to the board of selectmen. In addition, the board of selectmen shall be responsible for the
10 repair, alteration, and maintenance of all town-owned equipment, property, and vehicles under
11 the jurisdiction of the board of selectmen, and those formerly under the board of selectmen
12 acting as water commissioners and water department, sewer commissioners and sewer

13 department and cemetery committee and cemetery department; for the central purchasing of all
14 public works related supplies, materials and equipment; and for awarding of all contracts for the
15 repair, alterations, remodeling, construction, reconstruction, maintenance or renovation of all
16 town public ways, sewer lines, water lines, grounds, properties, facilities and equipment, except
17 those under the jurisdiction of the school department. In addition, the board of selectmen shall
18 appoint and may suspend, discipline or remove the director of public works, division heads,
19 assistants, laborers and employees. Upon the effective date of this act, the board of selectmen
20 shall have all the powers and duties now or from time to time vested by general law or special
21 act in the following boards, departments and offices, or in boards, departments and offices
22 having corresponding powers and duties in said town, to wit: -- road commissioners, surveyors
23 of highways, superintendent streets, water commissioners, sewer commissioners, municipal light
24 board or commissioners, cemetery commissioners, tree warden, moth superintendent and forestry
25 department, and such boards, departments and offices shall thereupon be abolished and the terms
26 of any incumbent members of any such board terminated. No contracts or liabilities then in force
27 shall be affected by such abolition, but the board shall in all respects be the lawful successor of
28 the boards, departments, and offices so abolished. SECTION 2. The board of selectmen shall
29 appoint the director of public works. Pending the appointment of the director, said board may
30 appoint an acting director. The compensation of the director or acting director shall be fixed by
31 said board, subject to appropriations therefore. The board of selectmen shall initiate a
32 recruitment and selection process for the position of director of public works, who shall be
33 responsible to said board. The board of selectmen shall appoint a screening committee charged
34 with recommending the appointment of the first director of public works for the town. The
35 committee shall establish detailed qualifications for the position of director of public works and

36 seek candidates for the position through advertisements in professional journals and other
37 recruitment sources. The director of the department of public works shall be especially fitted by
38 education, training and experience to perform the duties of the office; the director shall have such
39 other qualifications as the board of selectmen may from time to time provide. The director need
40 not be a resident of the town. The director shall be a college graduate with an appropriate four
41 year engineering degree. Within a reasonable period of time after its appointment, the committee
42 shall report to the board and recommend candidates for consideration. No member of the board
43 of selectmen shall be eligible for appointment as director of public works. While employed by
44 the Town of Hadley, the director of public works shall hold no other elective or appointive office
45 nor engage in any other business or occupation, provided, however, the director of public works
46 shall serve as the tree warden. The board may waive this restriction by prior written
47 authorization. SECTION 3. The director of public works shall supervise and direct the operations
48 of the department of public works. The director shall have full authority to carry out the policies
49 of the board of selectmen, and shall be responsible for the efficient exercise and performance of
50 the powers, rights, and duties vested in said board by this act. Such director shall, unless the
51 selectmen deem it unnecessary or impractical by reason of cost or otherwise, give the town a
52 bond with a surety company authorized to transact business in the commonwealth as surety for
53 the faithful performance of the director's duties in such sum and upon such conditions as the
54 board of selectmen may require. The director shall serve at the pleasure of the board of
55 selectmen. The selectmen on behalf of the town, may, but need not, enter into an employment
56 contact with any such director, the terms and conditions of which including length not
57 necessarily limited to one calendar or fiscal year shall be determined by the board of selectmen
58 in its sole discretion. The director shall keep full and complete records of the doings of the office

59 and render to the board of selectmen regular and full reports of all operations under the director's
60 control during the period reported upon; and annually shall prepare a synopsis of such reports for
61 publication in the town report. The director shall keep said board fully advised as to the needs of
62 the town within the scope of the director's duties, and shall annually furnish to said board not
63 later than the last day of January of each year detailed estimates in writing of the appropriation
64 required during the next ensuing fiscal year for the proper exercise and performance of all said
65 powers, rights and duties; and shall annually furnish to said board not later than the first day of
66 December of each year detailed estimates in writing of the capital budget needs for the next five
67 years. Each budget request shall be in such detail and such format as may be required by said
68 board and shall, unless the board of selection directs otherwise, be in such details and in such
69 format as may be suggested by the finance committee. SECTION 4. No person in the permanent
70 full-time employment of the town as of the effective date of this act in any of the boards,
71 positions, or departments abolished or consolidated hereunder shall forfeit pay grade or time in
72 service by virtue of this enactment. Each such person shall be retained in a capacity as similar to
73 the person's former capacity as is practical. No contracts or liabilities in force as of the effective
74 date of this act shall be affected by this act, but the board shall be deemed the lawful successor of
75 the aforesaid departments, commissions, board and offices relative to such contracts or liabilities.
76 It shall be the duty of the aforesaid departments, commissions, and office to turn over to the
77 board of selectmen property and records, including all contracts, papers, documents, permits,
78 plans and property in their control and custody and each shall furnish to the board of selectmen
79 such information as may be required by the board of selectmen. SECTION 5. This act shall take
80 effect upon its passage.