

By Mr. Burke (by request), petition of Robert W. Bowker for legislation to authorize the town of Rockland to establish a department of public works exercising the powers of certain other departments and town officials. Towns.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

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

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 Rock-  
2 land a board of public works hereinafter called the board, to  
3 consist of three members. The initial members thereof shall  
4 be elected to serve; one for three years, one for two years,  
5 one for one year from the date of the annual town election at  
6 which they are elected and thereafter when the term of any  
7 member expires his successor shall be elected to serve for three  
8 years. In all cases the members of the board shall serve until  
9 their successors are qualified. The members of the board shall  
10 forthwith after each annual town election, elect from its mem-  
11 bers a chairman and a clerk for the ensuing year.

12 In event of a vacancy on the board, the remaining members  
13 of the board shall, jointly with the Board of Selectmen, within  
14 thirty days, fill such vacancy until the next town election,  
15 when a new member or members shall be elected to fill the un-  
16 expired term.

17 No person who holds any town office whether elective, ap-  
18 pointive, or ex officio shall be eligible to serve on the board  
19 and acceptance of such an office shall result in the termination  
20 of the membership of any member of the board accepting such  
21 office. No person who is employed by the town or by any de-

22 partment of the town shall serve on the board, and acceptance  
23 of any such employment by a member shall result in the ter-  
24 mination of his membership.

1 SECTION 2. Upon qualifications of the initial members of  
2 the board of public works, the board shall have all the powers  
3 and duties now and from time to time vested by general law  
4 or town by-law or special act in the following boards, depart-  
5 ments and offices, or in boards, departments and offices, having  
6 corresponding powers and duties in the town of Rockland; to  
7 wit; water commissioners, sewer commissioners, tree warden,  
8 highway surveyor, park commissioners with respect to mainte-  
9 nance and construction only, selectmen with respect to garbage  
10 and refuse collections, engineering, moth department, drainage  
11 committee; and such boards, departments and offices shall be  
12 abolished.

13 No contracts or liabilities then in force shall be affected by  
14 such abolition, but the board of public works shall in all re-  
15 spect be the lawful successor of the boards, departments and  
16 offices so abolished.

17 The board shall have such added powers with respect to pub-  
18 lic works as the town may from time to time by by-law provide  
19 any other provisions of the law to the contrary notwith-  
20 standing.

1 SECTION 3. The board of public works, set up in section  
2 two of this act shall consist of the following divisions: the  
3 water division, sewer division, street division (including gar-  
4 bage and refuse collection and disposal and drainage), engi-  
5 neering division, tree and moth division, and park division  
6 (maintenance and construction only).

1 SECTION 4. The board shall appoint and fix the compensa-  
2 tion of a superintendent of public works, who shall exercise  
3 and perform, under its supervision and direction, such of the  
4 powers, rights and duties transferred to it under section two  
5 and as it may from time to time delegate. He shall be re-  
6 sponsible for the efficient exercise and performance of such

7 powers, rights and duties and may be removed by the board  
8 for just cause, only after written notice to him from the board,  
9 specifying in detail the reasons for his removal. Said notice  
10 shall be transmitted by certified or registered mail at least  
11 fourteen days prior to his removal. Upon application, within  
12 this fourteen day period, he shall be entitled to a public hear-  
13 ing before the board upon the validity of the reasons given for  
14 his removal.

15 The superintendent of public works shall be a professional  
16 civil engineer and land surveyor with experience in municipal  
17 affairs. He shall be an engineer registered in the common-  
18 wealth or in a state having standards of registration compa-  
19 rable to the standards of this commonwealth.

20 The superintendent of public works shall hold no other office  
21 in this town whether elective, appointive or ex officio, nor shall  
22 he be engaged in any other business or occupation to any sub-  
23 stantial degree. Acceptance by the superintendent of public  
24 works of any public office in this town shall terminate his ap-  
25 pointment. He may or may not be a resident of the town  
26 during his tenure of office. He shall give to the town a bond  
27 with a surety company, authorized to transact business in the  
28 commonwealth, as surety for the faithful performance of his  
29 duties in such sum and upon such conditions as the board may  
30 require, and shall, subject to the approval of the board, appoint  
31 such assistance agents, and employees as the exercise and per-  
32 formance of his powers, duties and rights may require.

33 The superintendent of public works shall keep full and com-  
34 plete records of his doings of his office and shall render to the  
35 board, as often as it may require, a full report of the opera-  
36 tions under his control during the period reported upon. An-  
37 nually, and from time to time as may be required by the board,  
38 he shall make a synopsis of such reports for publication.

39 The superintendent of public works shall keep the board  
40 fully advised as to the needs of the town, within the scope of  
41 his duties, and shall annually furnish to the board, no less than  
42 sixty days prior to the expiration of the fiscal year of the town,  
43 a carefully prepared and detailed estimate in writing of the  
44 appropriations required during the succeeding fiscal year for

45 the proper exercise and performance of all said rights and  
46 duties.

47 There shall be no reduction in or dismissal of present per-  
48 manent employees of any affected department, without due  
49 cause, due to the establishment of this act. The status of all  
50 employees in this shall be determined by their status as of Oc-  
51 tober 1, 1962.

1 SECTION 5. This act shall be submitted to the legal voters of  
2 the town of Rockland at the annual town election in the year  
3 nineteen hundred and sixty-three, in the form of the following  
4 question which shall be placed on the official ballot to be used  
5 for the election of town officers at said election: — “Shall an  
6 act passed by the General Court in the year nineteen hundred  
7 and sixty-three entitled ‘An Act authorizing the Town of Rock-  
8 land to Establish a Department of Public Works exercising the  
9 powers of certain other Departments and Town Officials’ be  
10 accepted?”

11 If a majority of the votes cast in answer to said question  
12 are in the affirmative, this act shall become fully effective be-  
13 ginning with, and for the purpose of the annual town election  
14 in the year nineteen hundred and sixty-four, otherwise it shall  
15 be of no effect.

1 SECTION 6. The town of Rockland, may, after the expira-  
2 tion of three years from the acceptance of this act, upon  
3 petition of no less than ten percent of the registered voters of  
4 said town, vote at an annual election to revoke such acceptance  
5 and the question of such revocation shall be submitted to the  
6 legal voters of the town on the official ballot in the form of the  
7 following question: — “Shall the acceptance by the town of  
8 Rockland of an act passed by the General Courts in the year  
9 1963, entitled ‘An Act authorizing the Town of Rockland to  
10 establish a Department of Public Works exercising the powers  
11 of certain other Departments and Town Officials’ be revoked?”

12 If a majority of the votes cast in answer to said question  
13 is in the affirmative, then at the next annual election held  
14 after the vote to rescind, the town shall elect such officers as

15 are necessary to exercise and perform the powers, rights and  
16 duties transferred to the board of public works by said act.  
17 Such action shall not affect any contract or liability then  
18 created or existing. All general laws respecting town admin-  
19 istration and town officers, and any special laws, relative to  
20 the town, the operation of which have been suspended or su-  
21 perseded by the acceptance of this act, shall be in full force  
22 and effect. Any by-law inconsistent with such special or gen-  
23 eral laws shall be revoked thereby.

24 Any subsequent vote to rescind the acceptance of said sec-  
25 tion shall not be taken more often than once in three years.



The Department of Agriculture

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