

HOUSE No. 4494

By Representative Stanley of West Newbury and Senator Baddour, joint petition of Harriett L. Stanley and Steven A. Baddour (by vote of the town) that the town of Merrimac be authorized to establish a department of public works. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF MERRIMAC.

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 is hereby established in the town of
2 Merrimac a department of public works under the jurisdiction of the
3 board of selectmen. The department shall have charge of and
4 responsibility for the management of the public works operations of
5 the town not assigned to other departments of the town, including,
6 but not limited to the following: highway department; parks and
7 recreation department; solid waste and recycling; wastewater depart-
8 ment; water department; facilities department; and all other related
9 construction and operations as may be assigned from time to time by
10 the board of selectmen when deemed necessary or desirable.

11 The board of selectmen may make all policy decisions relating to
12 the department of public works except as may be reserved to the
13 parks and recreation commissioners, the wastewater commissioners
14 and the water commissioners, respectively.

1 SECTION 2. The board of selectmen shall appoint a director of
2 public works, who shall recommend to the board of selectmen all
3 employees of the department of public works. The compensation of
4 such employees shall be set in the same manner as for other
5 employees of the town, except as provided in section 5.

1 SECTION 3. The director of public works shall supervise and
2 direct the operations and employees of the department of public
3 works in accordance with the town's personnel by-law and any other
4 applicable collective bargaining agreements. The director of public
5 works shall be especially qualified by education, training and experi-
6 ence to perform the duties of the office and shall have such other
7 qualifications as the town may require from time to time. While
8 employed by the town, the department of public works director shall
9 hold no other elective office nor engage in any other business or
10 occupation relating to public works unless approved in advance by
11 the board of selectmen. Nothing in this section shall prevent the
12 director of public works from serving on special ad hoc committees
13 in order to represent the department of public works.

1 SECTION 4. On the effective date of this act, the appointed posi-
2 tion of water manager shall be abolished, and its powers, duties,
3 responsibilities and compensation shall be transferred to the director
4 of public works.

1 SECTION 5. No person in the regular permanent full-time or
2 part-time service or employment of the town shall forfeit the rate of
3 compensation, grade, step, or time of service on account of the
4 establishment of the department of public works. Each person shall
5 retain in a capacity as similar to the person's former capacity as
6 practical. No collective bargaining agreement, contract, or liability
7 in force on the effective date of this act shall be affected by this act.

1 SECTION 6. This act shall take effect on or before July 1, 2008.