

**SENATE . . . . . No. 2084**

**[LOCAL APPROVAL RECEIVED.]**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bruce E. Tarr**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act establishing a town manager in the Town of Hamilton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	First Essex and Middlesex
Bradford R. Hill	4th Essex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act establishing a town manager in the Town of Hamilton.

*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 a town manager in the town of Hamilton. Notwithstanding any  
2 general or special law to the contrary, the town manager, reporting to and accountable to the  
3 board of selectmen, shall be the chief administrative and operating officer of the town of  
4 Hamilton. The town manager shall not set town policy but shall ensure appropriate coordination  
5 in the implementation of town policy, working with the board of selectmen and all elected and  
6 appointed officers, boards and commissions. The town manager shall supervise and manage the  
7 day-to-day activities of all town departments and employees under the jurisdiction of the board  
8 of selectmen and shall coordinate their activities with those of all other departments and  
9 employees.

10 **SECTION 2.** The town manager shall appoint and may remove all department heads and  
11 officers, subordinates, and employees under the jurisdiction of the board of selectmen.  
12 Appointments and removals of department heads by the town manager shall be subject to  
13 confirmation by the board of selectmen. All other appointments shall be made in consultation  
14 with the respective department head, board, commission, or committee.

15 **SECTION 3.** The town manager shall be appointed by the board of selectmen on the basis of  
16 executive and administrative qualifications and experience. The town manager shall be a person  
17 especially suited by education, training and professional experience to perform the duties of the  
18 office. The position of town manager is a fulltime commitment and the town manager shall not  
19 engage in any other business or occupation without the prior approval of the board of selectmen.  
20 The town manager shall be appointed for a term of three or less years, and shall be evaluated  
21 annually by the board of selectmen. The board of selectmen shall enter into an employment  
22 contract with the town manager.

23 **SECTION 4.** In addition, the town manager shall be responsible and accountable to the board of  
24 selectmen, for the proper execution of the following powers and duties:

25 A. With respect to general town administration, to implement all policies of the board of  
26 selectmen, to attend annual and special town meetings and respond to questions  
27 concerning all warrant articles, to implement and report progress on implementing  
28 actions taken by the town meeting, and to oversee preparation of all town reports  
29 including the annual report;

30 B. With respect to the board of selectmen administration, to attend meetings of the board  
31 of selectmen and have the right to address all matters coming before the board, to  
32 prepare agendas and research, collect, and disseminate information to enable the  
33 board of selectmen to make policy decisions, to inform the board of selectmen on  
34 implementation of policy decisions through regular reporting, and to inform the board  
35 of selectmen of important developments in the operation of town departments, fiscal  
36 affairs, personnel matters, procurement, and town compliance with federal, state, and  
37 local laws, rules, and regulations;

38 C. With respect to fiscal administration, to oversee administration and implementation of  
39 all town fiscal actions, to oversee all town actions in connection with municipal  
40 borrowing, to prepare and present detailed annual and interim operating and capital  
41 budgets to the board of selectmen, finance committee, and town meeting, to provide  
42 regular, current analysis of performance relative to budget, to develop, present, and  
43 implement a long-range capital plan, to approve and execute all warrants for the  
44 payment of town funds, and to prepare and prosecute all grant applications;

45 D. With respect to personnel administration, to serve as the town's personnel director, to  
46 administer the town's personnel policies, compensation plans, and employee benefit  
47 programs, to serve as the town's pension administrator, to serve as the town's  
48 coordinator for compliance with the Americans with Disabilities Act, to serve as the  
49 town's affirmative action officer, to prepare and implement job descriptions for town  
50 department heads and employees, to review personnel performance at least annually  
51 and recommend salary and benefit adjustments, to negotiate all collective bargaining  
52 agreements on behalf of the town, for which the town manager may seek the  
53 assistance of labor counsel as deemed necessary and which final agreement must be  
54 approved by the board of selectmen, and to establish compensation agreements for all  
55 town employees not subject to a collective bargaining agreement, which final  
56 agreement must be approved by the board of selectmen;

57 E. With respect to procurement and construction, to serve as the town's chief  
58 procurement officer for the purchase and sale of equipment, materials, supplies, and  
59 services of all town departments, to supervise and coordinate all town construction  
60 projects and activities including design, construction and construction management,  
61 to coordinate preparation of information for bidders and proposers and all design and  
62 construction documentation, to review bids, award contracts and manage all claims

- 63 activity, to oversee and report on construction progress and contractual compliance,  
64 to review and act upon all bills and payment requests, and to maintain all  
65 procurement and construction records;
- 66 F. With respect to insurance, to contract for and administer the town's insurance policies  
67 and programs and to file, prosecute, and settle all insurance claims;
- 68 G. With respect to asset management, to manage and oversee maintenance of all town  
69 property, real and personal, to act upon all requests for rental and use of town  
70 property, and to make recommendations regarding all requests for licenses and  
71 permits made to the board of selectmen;
- 72 H. With respect to legal affairs, to coordinate with Town Counsel on all legal matters  
73 affecting town government, compliance, claims, litigation and administrative  
74 proceedings and to oversee prosecuting, defense, and settlement of all claims and  
75 actions;
- 76 I. With respect to computers and IT, to oversee and coordinate computer operations of  
77 town departments to ensure efficiency, economy, and currency, to serve as  
78 procurement officer for purchase of hardware and software and maintenance and  
79 repair services, to oversee training of personnel, and to implement and oversee  
80 maintenance of the town website;
- 81 J. With respect to general duties, to serve as the town's liaison with residents, the  
82 media, and the general public, to cultivate and maintain effective relations with the  
83 citizens of the town, and to maintain cordial and effective relationships with  
84 governmental officials at all levels including those of neighboring towns.

85 **SECTION 5.** During a temporary absence the town manager shall designate by letter filed with  
86 the board of selectmen a qualified administrative employee or officer to exercise the powers and  
87 perform the duties of town manager. If the town manager fails to do so, or if the person so  
88 designated fails to serve to the satisfaction of the board of selectmen, the board may appoint a  
89 qualified employee or officer to serve. In the event of suspension of the town manager, the  
90 board of selectmen shall appoint an acting town manager.

91 **SECTION 6.** This act shall take effect upon its passage. Implementation of the changes so  
92 enacted shall begin immediately thereafter and be completed promptly but consistent with the  
93 need for a comprehensive qualification process.