

SENATE No. 1996

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 adoption of the accompanying bill:

An Act relative to the charter of the town of Abington creating a department of public works.

PETITION OF:

NAME:

John F. Keenan

DISTRICT/ADDRESS:

Norfolk and Plymouth

SENATE No. 1996

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1996) of John F. Keenan (by vote of the town) for legislation to create a department of public works in the town of Abington. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the charter of the town of Abington creating a department of public works.

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. Section 4-2-1 of the charter of the town of Abington, as appearing in
2 chapter 259 of the acts of 2004, is hereby amended by inserting after the word “superintendent,”
3 in line 4, the following words:- director of the department of public works.

4 SECTION 2. Said section 4-2-2, as so appearing, is hereby further amended by striking
5 out, in line 5, the words “, sewer commission”.

6 SECTION 3. Article V of the charter of the town of Abington, as so appearing, is hereby
7 amended by adding the following section:-

8 Section 5-7 Department of Public Works Organization

9 5-7-1. There shall be a department of public works under the supervision of a director.
10 The department shall include the board of sewer commissioners, board of parks and recreation,
11 park superintendent, superintendent of highways, tree warden and trustees of veterans’

12 memorials and each of their respective functions. The department of public works shall be
13 responsible for: (i) the repair, alteration and maintenance of all town-owned public works-related
14 equipment, property and vehicles; (ii) central purchasing of all public works-related supplies,
15 materials and equipment; and (iii) management of all contracts and projects for the repair,
16 alteration, remodeling, construction, reconstruction, maintenance or renovation of all town public
17 ways, sewer lines, grounds, facilities and equipment except those under the jurisdiction of the
18 school department and the board of water commissioners.

19 Notwithstanding that the board of sewer commissioners, board of parks and recreation,
20 park superintendent, superintendent of highways, tree warden and trustees of veterans'
21 memorials shall be part of the department of public works, these multiple-member bodies and
22 officers shall exercise their respective policy-making duties and responsibilities under the
23 General Laws except as otherwise provided in this charter.

24 Additional public works functions including, but not limited to, solid waste collection and
25 disposal, recycling, engineering and building maintenance may be transferred to the department
26 after a public hearing by a vote of the board of selectmen upon a recommendation from the town
27 manager and the director of the department of public works.

28 The department, with the approval of the town manager and the board of selectmen, may
29 be organized into 1 or more operational divisions.

30 5-7-2 The director of public works shall exercise and perform, under the policy direction
31 of the boards and committees identified in section 5-7-1 and the policy direction and supervision
32 of the town manager, all of the powers, rights and duties to be exercised by the department in this

33 section and said section 5-7-1 except as otherwise provided. The director shall be appointed by
34 the town manager pursuant to section 4-2-1 and may be removed by the town manager.

35 The director shall not hold any other elective or appointive office in the town and shall
36 not be engaged in any other business or occupation; provided, however, that the director shall be
37 eligible to be appointed as the head of any division of the department of public works and service
38 in that division shall constitute a single position with the town. The director shall give to the
39 town a bond with a surety company authorized to transact business in the commonwealth as
40 surety for the faithful performance of the director's duties, in a sum and upon conditions as the
41 town administrator shall require. The director shall report to the town manager as to the doings
42 of the office at times as the manager may require. The director shall supervise day-to-day
43 operations and provide administrative coordination of the various boards and committees and
44 functions assigned to the department and, for that purpose, shall supervise department division
45 heads or directors.

46 5-7-3. The town manager, pursuant to sections 4-2-1 or 4-2-2, shall appoint department
47 staff, including division heads, directors, principal deputies or principal agents, for any division
48 or function of the department for which a multiple-member body or officer provides policy
49 direction and, in addition to any requirements set forth in said sections 4-2-1 or 4-2-2, the town
50 manager shall also consult with the director of the department and the appropriate policy-making
51 multiple-member body or officer. The town manager shall provide notice to any policy-making
52 multiple-member board or officer of the department of any suspension or removal of employees
53 assigned to any division of the department. The decision of the town manager in suspending or
54 removing any person appointed by the town manager shall be final.

55 SECTION 4. To the extent that the amendments to the charter of the town of Abington
56 made in this act affect a particular appointed town office, position or employment, the town
57 shall, subject to appropriation and the continued existence of the office, position or employment,
58 retain the same and the individual holding the office, position or employment shall continue to
59 perform the duties of the office, position or employment until provisions shall have been made
60 for the performance of those duties by another person or agency unless the individual is sooner
61 removed pursuant to the charter, applicable collective bargaining agreement, employment
62 contract, town by-law or otherwise; provided, however, that no person in the permanent full-time
63 service or employment of the town shall forfeit that person's pay grade or time in service.
64 Subject to appropriation and pursuant to any contracts or applicable collective bargaining
65 agreements, all such persons shall be retained in a capacity as similar to the capacity such
66 persons were serving in as of the effective date of this act. Any reduction in the personnel needs
67 of the town shall be accomplished through a policy of attrition unless specified otherwise.

68 SECTION 5. No contracts or liabilities in force upon the effective date of this act shall
69 be affected by the consolidation of public works functions authorized pursuant to this act. All
70 records, property and equipment of any office, department or part of any office or department
71 assigned to the department of public works established in section 3 shall by operation of law be
72 assigned to the department.

73 SECTION 6. Upon the effective date of this act, the offices and functions identified in
74 this act shall by operation of law become part of the department of public works established in
75 section 3. The incumbent members of any of the boards or officers addressed in this act shall not
76 be affected by the creation of the department pursuant to said section 3.

SECTION 7. This act shall take effect upon its passage.