

## *Chapter 23 of the Acts of 1995*

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### ***An Act Establishing a Board of Selectmen-Town Administrator Form of Government in the Town of West Boylston***

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Be it enacted, etc., as follows:

**SECTION 1.** Upon the effective date of this act, the town shall be governed by the provisions of this act. To the extent that the provisions of this act modify, or repeal existing general or special laws or the body of law which constitutes the town charter under Section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth the provisions of this act shall govern.

**SECTION 2.** After the effective date of this act, the registered voters of the town of West Boylston shall, in accordance with any applicable general or special law, by-law, vote of the town or inter local agreement, continue to elect the following:

- a) Moderator
- b) Selectmen
- c) Library Trustees
- d) Town Clerk
- e) Municipal Light Board
- f) School Committee
- g) Housing Authority
- h) Planning Board

i) Cemetery Trustees

Unless otherwise provided herein, nothing in this act shall affect the authority, duties and terms of office of an elected official or elected member of any such board, committee, commission or authority. Every other elective office, board, committee or commission of the town shall become appointive as hereinafter provided, any other provision of the law to the contrary notwithstanding. Unless otherwise provided herein, the term of office of any person elected to any office, board, committee or commission existing as an elected office on the effective date of this act and having become appointive hereunder shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of a successor. The term of office of any elective position which becomes appointive under this act shall be unchanged.

**SECTION 3.** The executive powers of the town shall be vested in the board of selectmen who shall serve as the chief policymaking board of the town. Said board of selectmen shall continue to have and to exercise all the powers and duties vested in boards of selectmen under the General Laws or by vote of the town, except as otherwise provided herein.

**SECTION 4.** The board of selectmen shall appoint the finance committee, board of appeals, personnel board, by-laws committee, registrars of voters, election warden and deputy, election clerk and deputy, election inspectors and tellers.

A commission, board or officer appointed by the board of selectmen may appoint such employees as it deems necessary, but such appointments shall be subject to the approval of the board of selectmen in the manner provided in this section. The commission, board or officer shall inform the board of selectmen, in writing, of its intent to post an opening for an available position. If the board of selectmen approves the notice of intent to post an opening, the commission, board or officer may then proceed to fill the position in accordance with general and special laws, town by-laws and personnel policies. Once the commission, board or officer has selected a candidate to fill the position, it shall inform the board of selectmen, in writing. The board of selectmen may, within 15 days after receipt of the notice, disapprove the appointment by a 2/3 vote of its membership, otherwise the appointment shall take effect. The board of selectmen may consolidate or abolish any employee position described in this section, subject to the limitations of the General Laws.

*As Amended by Article 42 May 21, 2007 Semi-Annual Town Meeting*

*Approved by the Senate and House of Representatives Chapter 249 of the Acts of 2008*

**SECTION 5.** The board of selectmen shall appoint, for a term of three years, a town administrator who shall be eligible for reappointment for successive terms of not more than three years each.

**SECTION 6.** The town administrator shall appoint the board of health, treasurer/tax collector, town accountant, superintendent of streets and parks, police chief, constables, assessors, fire engineers, parks commissioners, building inspector, veterans agent, tree warden, town

counsel, and special counsels, conservation commission, council on aging, historical commission, town-wide planning committee and any other commissions, committees, boards or offices under his direction and supervision, in whole or in part.

Before entering upon the duties of his office, the town administrator shall be sworn to the faithful and impartial performance thereof by the Town Clerk.

A commission, board or officer appointed by the town administrator may appoint such employees as it deems necessary, but such appointments shall be subject to the approval of the town administrator in the manner provided in this section. The commission, board or officer shall inform the town administrator, in writing, of its intent to post an opening for a position. If the town administrator approves the notice of intent to post an opening, the commission, board or officer may then proceed to fill the position in accordance with general and special laws, town by-laws and personnel policies. Once the commission, board or officer has selected a candidate to fill the position, it shall inform the town administrator, in writing. The town administrator may, within 15 days after receipt of the notice, disapprove the appointment, otherwise the appointment shall take effect. The town administrator may, subject to the approval of the board of selectmen, consolidate or abolish any employee position described in this section, subject only to the limitations of the General Laws.

*As Amended by Article 42 May 21, 2007 Semi-Annual Town Meeting*

*Approved by the Senate and House of Representatives Chapter 249 of the Acts of 2008*

**SECTION 7.** The town administrator shall designate a qualified person other than a selectman, the moderator, a member of the school committee or of the finance committee to perform the town administrator's duties during his temporary absence or disability. Approval of such appointment shall be as defined in clause (h) of section eight. Pending the appointment of a town administrator or the filling of any vacancy, or during the suspension of the town administrator, the board of selectmen shall appoint a suitable person other than a selectman, the moderator, a member of the finance committee or the school committee, to perform the duties of the office.

**SECTION 8.** The town administrator shall be the chief administrative officer of the town and shall be responsible for the administration of all town affairs placed in his charge under such appointment and shall have the powers and duties described herein. He shall:

- a) supervise and direct the activities of the town's departments, boards, commissions and officers now under the jurisdiction of the board of selectmen, as well as any other departments as may be assigned by general by-laws of the town, state statutes or this act;
- b) fix the compensation of all town officers and employees under his jurisdiction within the limits established by the accepted appropriations and personnel policies and town by-laws;
- c) manage the town's financial affairs to assure that sound accounting, financial, audit, record keeping and reporting practices are followed in accordance with town by-laws, state statutes and prudent municipal accounting, and shall supervise the financial management of the town which shall encompass and include the responsibilities and activities of the treasurer/tax collector, assessors and town accountant;

- d) supervise and coordinate the work of reporting department heads and other individuals as may be assigned by town by-laws and this act;
- e) initiate appropriate contacts with local, state and federal officials, local businesses and community leaders, town employees and department heads, and with the general public in the conduct of town business;
- f) have access to all town and department confidential information including personnel records, negotiating positions, collective bargaining agreements and confidential investigations as required in the execution of official responsibilities;
- g) produce clear and accurate reports of the town's finances, budgets, administration and operations as required by town by-laws and state statutes and, whenever appropriate, to inform the town of significant activities, plans and accomplishments;
- h) appoint and remove department heads, officers of the town, members of boards and commissions, and employees which report directly to the town administrator. Such appointments and removals shall be subject to town by-laws, personnel policy, state statutes and the provisions of this act,

The town administrator shall inform the board of selectmen, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless said board of selectmen vote by at least a two-thirds majority vote of its membership to disapprove specifically designated appointment or appointments;

- i) attend all regular and special meetings of the board of selectmen, including executive sessions of said board of selectmen, unless excused at his own request, and shall have a voice but not a vote in all of said board's discussions. The town administrator shall attend all sessions of town meetings and answer all questions directed to him by voters of the town which relate to the town administrator's office;
- j) see that all of the provisions of the general by-laws, votes of the town meetings, and the votes of the board of selectmen which require enforcement by him, or by officers of the town subject to his direction and supervision, are faithfully carried out;
- k) prepare a balanced budget and submit it to the annual town meeting for approval. He shall submit the balanced budget to the board of selectmen and the finance committee prior to the annual town meeting so as to enable them to make recommendations about the budget at the town meeting;
- l) serve as chairman of the town-wide planning committee;
- m) be responsible for keeping full and complete records of the finance and administrative activities of the town, and render an annual report to the board of selectmen at the end of each fiscal year, and as otherwise required;
- n) report quarterly to said board of selectmen as to the financial condition and needs of the town, and shall make such recommendations to said board of selectmen and town as he deems necessary or expedient;
- o) be responsible for maintenance and repair of all town facilities except schools, the library, the municipal lighting plant and the cemetery, unless specifically requested;
- ~~p) keep and maintain a full and complete inventory of all property of the town that has a value of three hundred dollars or more;~~ *Deleted and replaced with the following;*
- p) keep and maintain an inventory of all property of the town that has a purchase value of \$1,000 or more.

*As Amended by Article 5- October 22, 2002 Semi-Annual Town Meeting*

*Approved by the Senate and House of Representatives Chapter 162 in the Acts of 2004*

- q) negotiate contracts, including union contracts, covering any subject within his jurisdiction; provided, however, that such contracts shall be subject to the final approval and execution by said board of selectmen, and by vote of the town meeting;
- r) serve as the chief procurement officer of the town;
- s) be responsible for implementing the personnel policy, working with the personnel board to develop systematic personnel policies and practices for implementation;
- t) assure that all town departments and agencies have legal services as required;
- u) make available the audit management letter from any and all town audit reports, including recommendations, by posting the same on the Mixter building bulletin board, by making copies available at the town clerk's office, the municipal office and the library, and by publishing in the annual town report;
- v) He shall report to the town all actions taken by the responsible departments in response to the audit management letter recommendations; and seek any and all sources of alternative financing including grants, public and private.

**SECTION 9.** The town administrator shall receive such compensation for his services as the board of selectmen shall determine; provided, however, that such compensation shall not exceed the amount appropriated by the town.

**SECTION 10.** The board of selectmen may, by a two-thirds majority vote of its membership, discipline or discharge the town administrator only for just cause, upon proper notice, and only after a hearing at which the town administrator shall have the right to be represented by counsel. The principle of progressive discipline will apply, and said board of selectmen recognizes its obligation to provide said town administrator with periodic performance evaluations.

**SECTION 11.** Subject only to the express prohibition in a General Law or this act, the town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide or alter the term of office, the manner of selection, or if a multiple member body, the number of members of any town body, in whole or in part, or establish new agencies and may prescribe the functions, powers, duties and responsibilities of any such agency.

**SECTION 12.** All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or other authority, which are in force in the town of West Boylston on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue to be in full force and effect until otherwise provided by law, by-laws, votes or rules and regulations, respectively. All other laws, by-laws, votes and rules and regulations, so far as they refer to the town of West Boylston, are hereby suspended but such suspension shall not revive any pre-existing enactment. Nothing contained herein shall impair contractual rights established prior to the effective date of this act or any amendment hereto.

**SECTION 13.** No civil action or other proceeding pending on the effective date of this act shall be affected hereby.

**SECTION 14.** The town administrator shall perform such other duties as deemed necessary or

as may be assigned by this act, by by-law, town meeting vote or vote of the board of selectmen.

**SECTION 15.** The position of executive assistant is hereby abolished.

Attest

Kim D Hopewell

Town Clerk