

Chapter 61
of the Acts of 2023

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the One Hundred and Ninety-Third General Court

AN ACT CREATING THE OFFICES OF SELECT BOARD AND TOWN MANAGER IN THE TOWN OF SANDISFIELD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding any general or special law to the contrary, there shall be in the town of Sandisfield a select board consisting of 3 members elected for terms of 3 years each, so arranged that 1 term of office shall expire each year. Vacancies in the office of select board shall be filled by a special or regular election in accordance with the General Laws. Except as specifically provided by this act, the select board shall have all of the executive powers given to boards of selectmen by the General Laws.

(b) The select board shall have, but not be limited to, the power to:

(i) serve as the chief policy-making body of the town;

(ii) enter into intergovernmental or public or private agreements consistent with law on such terms as it deems beneficial to the residents of the town;

(iii) formulate and promulgate policy directives and guidelines to be followed by all town agencies serving under it and in conjunction with other elected town officers and multiple-member bodies, develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony; provided, however, that nothing in this section shall be construed to authorize any member of the select board or a majority of such members, to become involved in the day-to-day administration of any town agency; and provided further, that the select board shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees serving under it;

(iv) enforce by-laws, rules and regulations for the government of the town and keep an up-to-date record of all its official acts;

(v) appoint the town manager and town counsel and approve the hire of the town audit firm, which shall be chosen by the town manager;

(vi) serve as the licensing board of the town with the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions thereto as it deems to be in the public interest; provided, however, that the select board shall enforce the laws relating to all businesses for which it issues such licenses; and provided further, that the select board under this clause may delegate or reorganize any local licensing authority or process notwithstanding any general laws relating to local governance to the contrary;

(vii) provide timely audits as required by law; provided, however, that the audits shall be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the town government of the town of Sandisfield or any of its officers; and

(viii) develop, in consultation with the town manager, a personnel system to include, but not be limited to, classifications and pay schedules, benefit programs, personnel and hiring policies and practices and regulations for town employees.

SECTION 2. (a) Notwithstanding section 23A of chapter 41 of the General Laws or any other general or special law to the contrary, there shall be in the town of Sandisfield a town manager appointed by the select board who shall serve at the pleasure of the board. The town manager shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. The select board may enter into a contract with the town manager for salary, fringe benefits and other conditions of employment including, but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance and leave. The town manager shall receive such compensation as the select board shall determine within the amount appropriated therefor by the town.

(b) Any vacancy in the office of town manager shall be filled by the select board with all due haste. Until an appointment is made to fill the vacancy of town manager, the select board shall appoint a suitable person including, but not limited to, an employee of the town to perform the duties of the office, who shall be known as the temporary town manager. In the event of the temporary absence or disability of the town manager lasting more than 5 consecutive business days, the select board may designate a qualified

person to serve as acting town manager during such temporary absence or disability.

(c) The town manager shall:

(i) serve as the chief administrative officer of the town, act as the agent for the select board and be responsible to the select board for the proper operation of town affairs for which the town manager is given responsibility under this act;

(ii) supervise, direct and be responsible, under the authority of the select board, for the efficient administration of all officers appointed by the town manager and their respective departments and of all other functions for which the town manager is given responsibility, authority or control by act, by-law, town meeting vote or vote of the select board; and

(iii) delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility that the office of town manager is authorized to exercise under this act; provided, however, that all actions that are performed under such delegation shall be deemed to be the actions of the town manager.

(d) With regard to appointment and removal of department heads and town employees, the town manager may:

(i) appoint and remove all non-elected department heads, in compliance with clause (ii), and approve the appointment and removal of all other town employees;

(ii) consult with the appropriate elected or appointed board, commission, committee or official and the select board prior to making department head appointments or removals; provided, however, that prior to finalizing a department head appointment, the town manager shall provide notice to the select board of the anticipated appointment and the terms and conditions of employment for the appointment; provided further, that the select board shall approve or disapprove the appointment and the terms and conditions of employment within 14 days of notice to the select board; and provided further, that a failure of the select board to act in this 14-day period shall be considered approval of the appointment;

(iii) adjust the terms and conditions of employment of department heads or the termination or removal of department heads subject to the same notice and approval requirements set forth in clause (ii); and

(iv) post on the town bulletin board and website notices of job opportunities.

Appointments under this subsection shall be based on merit and fitness.

(e) with regard to personnel and management responsibilities, the town manager shall:

(i) administer personnel policies and any related matters for all municipal employees by adopting appropriate practices, rules or regulations and administering all collective bargaining agreements entered into by the town; and

(ii) negotiate, subject to the approval of the select board, all contracts with town employees over wages and other terms and conditions of employment; provided, however, that the town manager may, subject to the approval of the select board, employ special counsel to assist in the performance of these duties.

(f) With regard to financial management responsibilities, the town manager shall:

(i) prepare and present an annual operating budget for the town and present a 5-year capital improvement plan;

(ii) serve as the chief procurement officer for the town, award and execute contracts in accordance with, and subject to, chapter 30B of the General Laws, and to appoint such assistant procurement officers as provided in said chapter 30B;

(iii) inspect and submit warrants for payment to the select board;

(iv) approve the award of all contracts for all town departments and committees;

(v) keep the select board and the finance committee fully informed as to the financial condition of the town and make recommendations to the select board and to other elected and appointed officials as the town manager deems necessary or expedient; and

(vi) ensure that complete and full records of the financial and administrative activity of the town are maintained and render reports to the select board as may be required but not less than annually.

(g) With regard to administrative responsibilities the town manager shall:

(i) attend all regular and special meetings of the select board, unless excused by the select board;

(ii) attend all sessions of the town meeting and answer all questions addressed to the town manager that are related to the warrant articles and matters under the general supervision of the town manager;

(iii) administer, either directly or through a person supervised by the town manager in accordance with this act, provisions of general or special laws applicable to the town by-laws and other votes of the town meeting;

(iv) investigate or inquire into the affairs of any town department or office under the supervision of the town manager;

(v) coordinate activities of all town departments, officers, boards and commissions;

(vi) keep the select board fully informed as to the needs of the town requiring action by the town or as the town manager deems necessary or expedient;

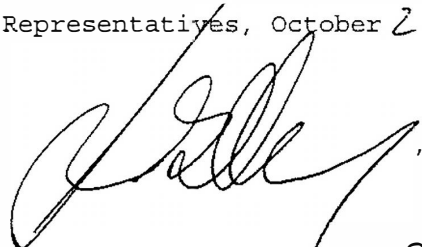
(vii) develop and maintain a full and complete inventory of all town-owned real and personal property; and

(viii) perform such other duties as necessary or as may be assigned by this act, town meeting vote or vote of the select board.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, October 26, 2023.

Passed to be enacted,

 , Speaker.

In Senate, October 26, 2023.

Passed to be enacted,

 , President.

November 2, 2023.

Approved,

at 12 o'clock and 04 minutes, P. M.

 Governor.