

SENATE No. 2037

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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SENATE, Thursday, October 22, 2015

The committee on Municipalities and Regional Government to whom was referred the petition (accompanied by bill, Senate, No. 1960) of Richard J. Ross and Shawn Dooley (by vote of the town) for legislation to establish a department of public works in the town of Plainville, - reports the accompanying bill (Senate, No. 2037).

For the committee,
Barbara A. L'Italien

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

An Act establishing a department of public works in the town of Plainville.

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. Chapter 404 of the acts of 1908 is hereby amended by striking out section 9
2 and inserting in place thereof the following section:-

3 Section 9. The authority granted to the town of Plainville under this act and not otherwise
4 specifically provided for shall be vested in the board of selectmen and the department of public
5 works.

6 SECTION 2. Section 10 of said chapter 404 is hereby further amended by striking out, in
7 line 1, the word “commissioners” and inserting in place thereof the following words:- “board of
8 selectmen”.

9 SECTION 3. Said section 10 of said chapter 404 is hereby further amended by striking
10 out, in line 13 and 14, the words “water commissioners” and inserting in place thereof the
11 following words:- board of selectmen.

12 SECTION 4. Said section 10 of said chapter 404 is hereby further amended by striking
13 out the last sentence and inserting in place thereof the following sentence:- The director of public

14 works shall annually, and more often as the town may require, submit a report on the condition
15 of the works under the director's charge and an account of the department's doings, including an
16 account of receipts and expenditures.

17 SECTION 4. Chapter 192 of the acts of 2008 is hereby repealed.

18 SECTION 5. There shall be a department of public works in the town of Plainville under
19 the supervision and control of the board of selectmen. The department shall be responsible for
20 the management of public works operations not assigned to other departments including, but not
21 limited to, the highway department, the water department, the sewer department and all other
22 related construction and operations as the town administrator may assign from time to time when
23 necessary and desirable. The board shall make all policy decisions relating to the department of
24 public works.

25 SECTION 6. (a) The town administrator of the town of Plainville shall appoint a director
26 of public works who shall recommend to the town administrator all employees of the department
27 of public works. The director shall provide the town a bond with a surety company authorized to
28 transact business in the commonwealth as surety for the faithful performance of the director's
29 duties in a sum and upon conditions as the town administrator shall require.

30 (b) The director shall supervise and direct the operations and employees of the
31 department pursuant to the general laws, any special laws applicable to the town, the town
32 personnel by-law and any applicable collective bargaining agreements. The director shall be
33 qualified by education, training and experience to perform the duties of the office and shall have
34 such other qualifications as the town may require. The office of director shall be a full-time
35 position. During the director's tenure, the director shall not hold an elective office and shall not

36 engage in a business or occupation relating to public works unless approved in advance by the
37 board of selectmen. Nothing in this section shall prevent the director from serving on special ad
38 hoc committees in order to represent the town and the department.

39 SECTION 7. (a) The water and sewer board in the town of Plainville is hereby
40 abolished. The terms of any incumbent members of the board shall be terminated and the
41 powers, duties and responsibilities of the water and sewer board shall be transferred to the board
42 of selectmen of the town of Plainville.

43 (b) All records, property and equipment of the water and sewer board and any office,
44 department or agency or part of any office, department or agency whose powers and duties were
45 assigned to the water and sewer board shall be transferred immediately to the department of
46 public works. All official bonds, obligations, contracts and other instruments entered into or
47 executed by or on behalf of the town prior to the effective date of this act and all taxes,
48 assessments, fines, penalties and forfeitures incurred or imposed, due or owing to the town shall
49 be enforced and collected, shall continue without abatement and shall remain unaffected by this
50 act. No contracts or liabilities in force on the effective date of this act shall be affected by this act
51 or the abolition of any offices under this act.

52 (c) The department of public works shall in all respects be the lawful successor of
53 offices and departments abolished, consolidated or otherwise modified pursuant to this act. No
54 person in the regular permanent full-time or part-time service or employment of the town in
55 relation to the functions addressed in this act shall forfeit the rate of compensation, grade, step or
56 time of service because of the creation of the department of public works. Each person shall be
57 retained in a capacity as similar as practical to the person's former capacity. No collective

58 bargaining agreement, contract or liability in force on the effective date of this act shall be
59 affected by this act.

60 SECTION 8. This act shall take effect upon its passage.