



TOWN OF UPTON, MASSACHUSETTS Office of the Town Manager

MEMORANDUM

TO: DENISE SMITH, TOWN CLERK
FROM: JOSEPH LAYDON, TOWN MANAGER
SUBJECT: ARTICLE 20 ON STM WARRANT - FULL TEXT AND TRACK CHANGES FOR AMENDMENTS TO "AN ACT ESTABLISHING THE OFFICE OF TOWN MANAGER IN THE TOWN OF UPTON"
DATE: SEPTEMBER 26, 2024

Attached to this memorandum is the full text of the proposed amendments to the Town Managers Act known as "An Act Establishing the Office of Town Manager in the Town of Upton." The amendment to the Act is on the November 12, 2024 Special Town Meeting Warrant as Article 20. Included is the clean version and a track changes version as follows:

Document 1: Clean Text of Amendments to "An Act Establishing the Office of Town Manager in the Town of Upton"

Document 2: Track Changes Version the Amendments to "An Act Establishing the Office of Town Manager in the Town of Upton"

Thank you.

PROPOSED TM ACT REVISIONS FOR 2024

1 DEFINITIONS

Term	Definition	
Boards not under jurisdiction of Select Board	Boards not under jurisdiction of the Select Board include:	
	Board of Assessors	Constables
	Board of Health	Capital Budget Committee
	Board of Library Trustees	Moderator
	Cemetery Commission	Planning Board
	Commissioner of Trust Funds	Recreation Commission
	Board of Assessors	Upton Housing Authority
Employees	Persons who act on behalf of the Town, whether appointed or hired, who receive compensation from the Town and are under the jurisdiction of the Select Board or an Elected Board.	
Hiring Authority	Persons, boards and committees specifically empowered to employ individuals on behalf of the town.	
Town	Town of Upton	
Town Officers	Town Officers include:	
	Town Manager	Land Use & Inspectional Services Director
	Police Chief	Building Commissioner
	EMS Director	Library Director
	Fire Chief	Town Clerk
	DPW Director	Elder Affairs and Social Services Director
	Treasurer/Collector	Human Resources Director
	Finance Director	Recreation Director
	Principal Assessor	Members of Select Board

2 GENERAL

- (a) There shall be an administrative officer in the Town of Upton known as the Town Manager. The Town Manager, reporting directly to and supervised by the Select Board, shall be the Chief Administrative Officer of the Town.
- (b) The Town Manager shall not set town policy but shall ensure that there is appropriate coordination in the implementation of Town policy working with the Select Board and all elected and appointed boards and commissions.

- (c) The Town Manager shall supervise, manage, and coordinate the day-to-day activities of all Town departments and employees under the jurisdiction of the Select Board, and coordinate all activities of said departments with the activities of other departments under the jurisdiction of other elected officials, boards and commissions.

3 APPOINTMENT OF TOWN MANAGER

The Town Manager shall be appointed by the Select Board based on executive and administrative qualifications and other hiring requirements set forth by the Select Board. The Town Manager shall be a person especially suited by a combination of education, training, and professional experience to perform the duties of the office.

In addition:

- (a) The Town Manager shall not have served as a member of the Select Board for at least 12 months prior to his/her appointment.
- (b) The Select Board shall enter into a written contract with the Town Manager that does not exceed 5 years in length and sets forth the terms and conditions of the Town Manager's employment.
- (c) The Town Manager shall devote his/her full time to the office and shall not hold any other public office, elected or appointed, nor engage in any other business or occupation during the term unless that service is approved in advance by a vote of the Select Board.
- (d) The Town Manager shall be subject to the Personnel Bylaws of the Town unless the Select Board exempts specific provisions of those bylaws as defined in a signed contract between the Town and the applicant.
- (e) A vacancy in the position of Town Manager shall be filled as follows:
 - 1. The Select Board shall appoint a Screening Committee consisting of five (5) Upton residents for the purpose of identifying qualified candidates for appointment to the position of Town Manager.
 - 2. The Screening Committee shall recommend a minimum of three (3) qualified candidates to the Select Board.
 - 3. After receiving the recommendations of the Screening Committee, the Select Board shall appoint a Town Manager from the recommended candidates provided. However, the Select Board may at its discretion instead request the Screening Committee submit additional candidates or appoint a new Screening Committee for such purposes.

4 OVERALL RESPONSIBILITIES

The Town Manager shall be responsible and accountable to the Select Board for the efficient and orderly conduct of the departments and functions placed in his/her charge as Town Manager. The following responsibilities and authority shall devolve from the Select Board to the Town Manager:

(a) Hiring

1. The Town Manager shall be the hiring authority for all employees under the jurisdiction of the Select Board.
2. The Town Manager shall act in conformance with the Town's Personnel Bylaws.
3. The Town Manager shall oversee the efficient operation and administration of all officers, divisions and departments appointed by him/her.
4. Appointment of a Town Officer by the Town Manager requires 15 calendar days' notice to the Select Board. The appointment shall take effect after the 15-day notice period.
5. The Select Board may approve or disapprove the Town Manager's proposed appointment of a Town Officer within the 15-day notice period, or the Select Board may waive the 15 day-right of refusal by a vote at an open meeting.
6. Appointment of a Town employee that is not a Town Officer by the Town Manager requires five (5) business days prior notice to the Select Board. The appointment shall take effect after the five (5) day notice period.
7. The Select Board may approve or disapprove the Town Manager's proposed appointment of a Town employee that is not a Town Officer within the 5-day notice period, or the Select Board may waive the 5 day-right of refusal by a vote at an open meeting.
8. The Town Manager shall hire and appoint Board of Assessor staff in consultation with the Board of Assessors. Board of Assessor staff shall be considered under the jurisdiction of the Select Board and as a result, shall report to the Town Manager.

(b) Management of Personnel under Jurisdiction of the Select Board

All town employees hired under the jurisdiction of the Select Board shall directly or indirectly report to the Town Manager.

(c) Management of Personnel under Jurisdiction of Elected Boards

All town employees hired under the jurisdiction of Elected Boards shall directly or indirectly report to the Town Manager.

The Town Manager shall collaborate with Town employees hired by Elected Boards.

(d) Employee Discipline and Dismissal Process

The Town Manager's responsibilities regarding discipline and dismissal of town employees shall be as follows:

1. The Town Manager may act to discipline or terminate a Town Officer or employee who is not subject to a collective bargaining agreement or other contract.
2. Said employee may appeal such action to the Select Board within five (5) business days of the action taken by the Town Manager.
3. The Select Board may, but need not, meet within 15 calendar days to consider such appeal.
4. The Select Board may approve or disapprove the Town Manager's action within said 15 calendar days and shall state the reason or reasons for its action, which reasons shall be set forth in summary form in the meeting minutes.
5. Notwithstanding any other provision of this section, however, failure of the Select Board to act within 15 calendar days after the filing of the appeal shall constitute approval by the Select Board of the Town Manager's action.

(e) Select Board Meetings

The Town Manager shall work with the Select Board Chair to schedule and conduct periodic meetings of the Select Board as follows:

1. The Town Manager shall prepare and post agendas for Select Board meetings in conjunction with the Select Board Chair.
2. The Town Manager or his/her designee shall be the recording and corresponding secretary for the Select Board.
3. The Town Manager shall ensure that all meetings of the Select Board are properly posted and are in accordance with local, state and federal laws.

4. The Town Manager shall attend aforesaid meetings unless requested by the Select Board to not be in attendance or upon approval by the Select Board Chair of a request by the Town Manager to be excused from attendance.
5. The Town Manager shall have the right to speak at the aforesaid meetings; but shall not have a vote.

(f) Town Meetings

The Town Manager prepares warrants for Special and Annual Town Meetings for consideration and approval by the Select Board in compliance with Town bylaws. In addition, the Town Manager shall:

1. Attend all Annual and Special town meetings, unless excused by the Select Board.
2. Be prepared to answer questions concerning warrant articles at Annual and Special town meetings.
3. Ensure that all laws, bylaws, other Town meeting votes and directives of the Select Board that require enforcement by the Town Manager, Town Officers or employees are faithfully carried out.

(g) Town Counsel

The Town Manager works in conjunction with the Select Board Chair and Town Counsel regarding any litigation or other legal matters in which the Town has an interest. In addition:

1. The Town Manager acts as the liaison between Town Counsel and the Select Board and Town departments and officials.
2. The Town Manager reviews requests to use Town Counsel on matters other than those from the Select Board Chair.
3. Elected and appointed boards must have prior approval from the Select Board to use Town Counsel on legal matters.
4. The Town Manager provides the Select Board with monthly status reports on legal issues and concerns.

(h) Procurement

The Town Manager serves as the Town's Chief Procurement Officer and shall have the authority to execute contracts on behalf of the Town up to \$50,000.00. In this role, the Town Manager is responsible for:

1. Purchasing all supplies, materials and equipment for the departments under the jurisdiction of the Select Board.
2. Reviewing purchases by other boards to ensure that they conform to all state and local laws and regulations.
3. Keeping a full and complete inventory of all town property, both real and personal.
4. All Town insurance programs and serve as the contact with the insurance providers.

(i) Human Resources

The Town Manager or his/her designee shall:

1. Be responsible for the administration of personnel and personnel matters, including the control of confidential personnel files and adherence to Town Personnel Bylaws and Personnel Policies that the Select Board and the Town may adopt.
2. Fix the compensation within the appropriated amounts of all Town Officers and employees under the jurisdiction of the Select Board in conformance with the Personnel Board Policy and Compensation Guidelines
3. Be responsible for the enforcement of personnel policies, rules and regulations, and managing personnel costs such as salaries, benefits, overtime, and use of town-owned vehicles for employees under the jurisdiction of the Select Board.
4. Serve as arbiter of grievances and chief union negotiator for all collective bargaining agreements under the jurisdiction of the Select Board. The Select Board may provide advice and guidelines to the Town Manager. The Select Board shall retain the authority to execute the union contract agreements.
5. Evaluate Town Officers and employees under the jurisdiction of the Select Board in accordance with the Personnel Bylaws on an annual basis.

6. Serve as the Town's Americans with Disabilities Act Director and ensure compliance with state and federal law.
7. Administer the Town's Affirmative Action Program and ensures compliance with state and federal law.
8. Provide timely and relevant retiree benefit information to Town retirees.

(j) Miscellaneous Duties

The Town Manager shall:

1. Respond to and coordinate local response to emergency situations.
2. Establish and maintain positive community relations with local organizations, groups and residents.
3. Receive and act on questions and complaints filed with the Select Board or the Town Manager and inform the Select Board of the status of the resolution.
4. Serve as the Select Board's liaison to news outlets, including the preparation of news releases and act as spokesperson to the press when authorized by the Select Board.
5. Prepare written reports as directed by the Select Board
6. Perform other duties required by the bylaws or votes of the Town Meeting or by the Select Board.

5 FINANCIAL AND BUDGETARY RESPONSIBILITIES

The Town Manager's financial and budgetary responsibilities shall include:

- (a) Compile and recommend to the Select Board a balanced budget, for approval in its entirety, for the departments under the jurisdiction of the Select Board.
- (b) Be responsible for keeping full and complete records of the administrative activities of the Town and render a full report of the prior fiscal year to the Select Board within three (3) months of the end of that year.
- (c) Access to all Town books and records for the performance of his/her duties.

- (d) Keep the Select Board informed as to the financial condition and needs of the Town and recommend to the Select Board any actions that should be taken.
- (e) Work with the Finance Committee to prepare and present an annual balanced budget to the Select Board for its review, and approval.
- (f) Provide detailed budgetary estimates of amounts necessary for the administration of all Town boards, officers, committees, divisions and departments under the jurisdiction of the Select Board or the Town Manager for the ensuing fiscal year, including both capital and operating items.
- (g) Review the warrant for all Town meetings and ballot questions to ensure that they are proper and legal and that there are sufficient funds available for implementation.
- (h) Approve the warrants for the payment of Town obligations after reviewing the expenditures and ensuring that they are proper and within the appropriation. The signature of the Town Manager is sufficient for payment by the Treasurer.
- (i) Reorganize Town departments under the jurisdiction of the Select Board for more efficient use of town resources to ensure that departmental activities are conducted within the budget as authorized by Town Meeting.
- (j) Ensure that the complete and full records of the financial activity of the Town are maintained in accordance with state, federal laws and the Town bylaws and render quarterly reports to the Select Board.
- (k) Provide interim or condensed reports from time to time as requested by the Select Board.
- (l) Seek out, prepare, coordinate and file applications for state, federal and private grants.

6 ABSENCE

- (a) During a temporary absence of 30 days or less, the Town Manager shall designate by a letter filed with the Select Board, a qualified administrative employee to exercise the powers and perform the duties of the Town Manager.
- (b) If the Town Manager fails to do so, or the designated person fails to serve to the satisfaction of the Select Board, the Select Board may appoint a qualified administrative employee or officer to serve.

- (c) During an absence of greater than 30 days or a vacancy in the office, the Select Board shall designate an interim Town Manager with the full powers and authority of the Town Manager.

7 TOWN MANAGER ACT REVIEW

- (a) Every five years, the Select Board shall appoint a committee from among the residents of the Town to review this act, as it may be amended from time to time.
- (b) Such committee shall make recommendations to the Select Board as it deems appropriate concerning proposed revisions.
- (c) The committee shall be comprised of an odd number of members to a maximum of seven (7).

8 SUSPENSION AND REMOVAL PROCESS

- (a) The Select Board may initiate the removal or suspension of the Town Manager by adopting a resolution to that effect by a majority vote of its members at a regularly scheduled meeting in open session.
- (b) The resolution shall state the reason the Select Board has decided to act.
- (d) The Select Board may suspend the Town Manager for not more than 45 days. A copy of the resolution of suspension OR termination shall be delivered in hand to the Town Manager.
- (e) The Town Manager may request a public hearing within seven (7) business days after the copy of the resolution has been received by filing a written request with the Select Board.
- (f) If a request for a public hearing is properly filed, the Select Board shall conduct a public hearing within 14 business days from the receipt of the written request and within seven (7) business days after the hearing may discharge the Town Manager by a majority vote of the Select Board.
- (g) If the Town Manager does not request a public hearing in writing within seven (7) business days of the receipt of the resolution, the Select Board by affirmative vote, may vote to terminate the Town Manager or take any other action relative thereto.

9 EFFECTIVE DATE

This act shall take effect upon its passage.

AN ACT ESTABLISHING THE OFFICE OF TOWN MANAGER

IN THE TOWN OF UPTON.

This document provides redline changes between the current Act (2008, as amended in 2018 and 2020) and the revision approved at Town Meeting in November 2024.

- Additions are shown in **RED**
- Deletions are shown in **BLUE**
- Notes are in [] and highlighted in yellow

SECTION 1. DEFINITIONS As used in this act, the following words shall have the following meanings: -

~~“Board”, the board of selectmen.~~

Boards not under jurisdiction of the Select Board” include: Bord of Assessors, Board of Health, Board of Library Trustees, Cemetery Commission, Commissioner of Trust Funds, Board of Assessors, Constables, Capital Budget Committee, Moderator, Planning Board, Recreation Commission, Upton Housing Authority.

“Employees”, persons who act on behalf of the ~~town~~Town, whether appointed or hired, who receive compensation from the ~~town~~Town and are under the jurisdiction of the board. For specific positions refer to the personnel by-laws of the ~~town~~Town.

“Hiring authority”, persons, boards and committees specifically empowered to employ individuals on behalf of the ~~town~~Town.

~~“Manager”, the town~~Town ~~manager.~~

“Town”, the ~~town~~Town of Upton.

“Town Officers” include: Town Manager, Police Chief, EMS Director, Fire Chief, DPW Director, Treasurer/Collector, Finance Director, Principal Assessor, Land Use and Inspectional Services Director, Building Commissioner, Library Director, Town Clerk, Elder Affairs and Social Services Director, Human Resources Director, Recreation Director, Members of Select Board.

SECTION 2. GENERAL

(a) There shall be an administrative officer in the ~~town~~Town of Upton known as the ~~manager~~Town Manager. The ~~Town M~~anager, reporting directly to and supervised by the ~~board~~Select Board, shall be the chief administrative officer of the ~~town~~Town.

(b) The ~~Town M~~anager shall not set ~~town~~Town policy but shall ensure that there is appropriate coordination in the implementation of ~~town~~Town policy, working with the ~~board~~Select Board and all elected and appointed boards and commissions.

(c) The Town Manager shall supervise, manage, and coordinate the day-to-day activities of all Town departments and employees under the jurisdiction of the Select Board, and coordinate all activities of said departments with the activities of other departments under the jurisdiction of other elected officials, boards and commissions.

~~The following responsibilities and authority shall devolve from the board to the manager:-~~

[Note: Subsections (a)-(f) below have been moved to other sections of the Act]

~~(a) hiring, firing and disciplining employees under the jurisdiction of the board, pursuant to subsection (a) of section 4;-~~

~~(b) compiling and recommending to the board a balanced budget, for approval in its entirety, for the departments under the jurisdiction of the board;-~~

~~(c) fixing the compensation, within the appropriated amounts, of all town officers and employees under the jurisdiction of the board;~~

~~(d) reorganizing town departments under the jurisdiction of the board for more efficient operation;-~~

~~(e) acting as the town's chief procurement officer; and~~

~~(f) signing the warrants for payment of town obligations.~~

~~The manager shall supervise, manage and coordinate the day-to-day activities of all town departments and employees under the jurisdiction of the board and coordinate all activities of said departments with the activities of other departments under the jurisdiction of other elected officials, boards and commissions.~~

~~(g) hiring and appointing the Board of Assessor Staff in consultation with the Board of Assessors with such staff being subject to the Town Manager's authority pursuant to clause (a) of this section."~~

[Note: the following paragraph has been removed from the revised Act]

~~With the exception of the board, all other elected boards, officials, commissions, trustees and committees are exempt from the provisions of this act. This exemption includes the departments, employees and appointments of other elected boards, commissions and committees of the town.~~

SECTION 3. APPOINTMENT OF TOWN MANAGER

The Town Manager shall be appointed by the ~~board~~Select Board on the basis of executive and administrative qualifications and other hiring requirements set forth by the ~~board~~Select Board. The Town Manager shall be a person especially suited by a combination of education, training and professional experience to perform the duties of the office.

In addition:

(a) The Town Manager shall not have served as a member of the Select Board ~~of selectmen~~ for at least 12 months before his appointment.

(b) The Select Board shall enter into a written contract with the Town Manager that does not exceed 5 years in length and sets forth the terms and conditions of the Town Manager's employment.

- (c) The ~~Town M~~anager shall devote his/her full-time to the office and shall not hold any other public office, elected or appointed, nor engage in any other business or occupation during the term unless that service is approved in advance by the vote of the ~~Select B~~board.
- (d) The ~~Town M~~anager shall be subject to the personnel by-laws of the ~~townTown~~ unless the ~~Select B~~board exempts specific provisions of those by-laws as defined in a signed contract between the ~~townTown~~ and the applicant. ~~The board may enter into a contract with the manager, not to exceed 3 years in length, setting forth the terms and conditions of the manager's employment.~~
- (e) A vacancy in the position of ~~townTown M~~anager shall be filled as follows:-
1. The ~~Select B~~board ~~of selectmen~~ shall appoint a screening committee of ~~five (5) Upton~~ residents ~~of the town of Upton~~ for the purpose of identifying candidates for appointment to the position of ~~townTown M~~anager.
 2. The screening committee shall recommend ~~to the board of selectmen~~ a minimum of ~~three (3)~~ qualified candidates ~~to the Select Board~~.
 3. After receiving the recommendations of the ~~S~~creening ~~C~~ommittee, the ~~Select B~~board shall appoint a ~~townTown M~~anager from the recommended candidates; provided, ~~H~~owever, ~~the Select Board that the board may~~, at its discretion, instead request the ~~S~~creening ~~C~~ommittee ~~to submit additional candidates~~, or appoint a new ~~S~~creening ~~C~~ommittee for such purposes.

SECTION 4. OVERALL RESPONSIBILITIES

The ~~Town M~~anager shall be responsible and accountable to the ~~Select B~~board for the efficient and orderly conduct of the departments and functions placed in his/her charge as ~~Town M~~anager, ~~and for the proper execution of the following powers and duties. The manager shall. The following responsibilities and authority shall devolve from the Select Board to the Town Manager:~~

(a) Hiring

1. The Town Manager shall be the hiring authority for all employees under the jurisdiction of the ~~Select B~~board.
2. The ~~Town M~~anager shall act in conformance with the ~~Town's P~~ersonnel ~~B~~y-laws ~~of the town~~.
3. The ~~Town M~~anager shall oversee the efficient operation and administration of all officers, divisions and departments appointed by him/her.
4. Appointment of a Town Officer by the Town Manager requires 15 calendar days' notice to the Select Board. The appointment shall take effect after the 15-day notice period.
5. The Select Board may approve or disapprove the Town Manager's proposed appointment of a Town Officer within the 15-day notice period, or the Select Board may waive the 15 day-right of refusal by a vote at an open meeting.

6. Appointment of a Town employee that is not a Town Officer by the Town Manager requires five (5) business days prior notice to the Select Board. The appointment shall take effect after the five (5) day notice period.
7. The Select Board may approve or disapprove the Town Manager's proposed appointment of a Town employee that is not a Town Officer within the 5-day notice period, or the Select Board may waive the 5 day-right of refusal by a vote at an open meeting.
8. The Town Manager shall hire and appoint Board of Assessor staff in consultation with the Board of Assessors. Board of Assessor staff shall be considered under the jurisdiction of the Select Board and as a result, shall report to the Town Manager.

(b) Management of Personnel under Jurisdiction of the Select Board

All town employees hired under the jurisdiction of the Select Board shall directly or indirectly report to the Town Manager.

(c) Management of Personnel under Jurisdiction of Elected Boards

All town employees hired under the jurisdiction of Elected Boards shall directly or indirectly report to the Town Manager.

The Town Manager shall collaborate with Town employees hired by Elected Boards.

(d) Employee Discipline and Dismissal Process

The Town Manager's responsibilities regarding discipline and dismissal of town employees shall be as follows:

1. The Town Manager may act to discipline or terminate a Town Officer or employee who is not subject to a collective bargaining agreement or other contract.
2. Said employee may appeal such action to the Select Board within five (5) business days of the action taken by the Town Manager.
3. The Select Board may, but need not, meet within 15 calendar days to consider such appeal.
4. The Select Board may approve or disapprove the Town Manager's action within said 15 calendar days and shall state the reason or reasons for its action, which reasons shall be set forth in summary form in the meeting minutes.
5. Notwithstanding any other provision of this section, however, failure of the Select Board to act within 15 calendar days after the filing of the appeal shall constitute approval by the Select Board of the Town Manager's action.

~~(i) No appointment, disciplinary action or termination by the manager of a town officer or employee shall take effect within 15 days of notice being provided to the board. The board may approve or disapprove the manager's proposed appointment within said 15 days or the board may waive the 15-day right of refusal by a vote at an open meeting. The board may vote, in open session, to disapprove an appointment and shall state the reason or reasons, which shall be provided in the meeting minutes. The board shall conduct any meeting to consider a proposed~~

~~disciplinary action or termination of a town officer or employee in accordance with applicable law;~~

~~(ii) Upon appeal by a town officer or employee not subject to a collective bargaining agreement or other contract, brought within two business days of action taken by the Town Manager to discipline or remove such officer or employee, the board may, but need not, meet within 15 days to consider such appeal. The board may approve or disapprove the town manager's action within said 15 days and shall state the reason or reasons for its action, which reasons shall be set forth in summary form in the meeting minutes. Notwithstanding any other provision of this section, however, failure of the board to act within 15 days after the filing of the appeal shall constitute approval by the board of the town manager's action;~~

(e) Select Board Meetings

The Town Manager shall work with the Select Board Chair to schedule and conduct periodic meetings of the Select Board as follows:

1. The Town Manager shall prepare and post agendas for Select Board meetings in conjunction with the Select Board Chair.
2. The Town Manager or his/her designee shall be the recording and corresponding secretary for the Select Board.
3. The Town Manager shall ensure that all meetings of the Select Board are properly posted and are in accordance with local, state and federal laws.
4. The Town Manager shall attend aforesaid meetings unless requested by the Select Board to not be in attendance or upon approval by the Select Board Chair of a request by the Town Manager to be excused from attendance.
5. The Town Manager shall have the right to speak at the aforesaid meetings; but shall not have a vote.

~~(b) in conjunction with the chair of the board, prepare and distribute agendas for the board's meetings. The manager or his designee shall be the recording and corresponding secretary for the board;~~

~~(c) ensure that all of the meetings of the board are properly posted and are in accordance with local, state and federal laws. The manager shall attend aforesaid meetings unless requested by the board not to be in attendance or upon approval by the chairman of the board of a request by the manager to be excused from attendance. The manager shall have the right to speak at the aforesaid meetings but shall not have a vote;~~

(f) Town Meetings

The Town Manager prepares warrants for Special and Annual Town Meetings for consideration and approval by the Select Board in compliance with Town bylaws. In addition, the Town Manager shall:

1. Attend all Annual and Special town meetings, unless excused by the Select Board.

2. Be prepared to answer questions concerning warrant articles at Annual and Special town meetings.
3. Ensure that all laws, bylaws, other Town meeting votes and directives of the Select Board that require enforcement by the Town Manager, Town Officers or employees are faithfully carried out.

(g) Town Counsel

The Town Manager works in conjunction with the Select Board Chair and Town Counsel regarding any litigation or other legal matters in which the Town has an interest. In addition:

1. The Town Manager acts as the liaison between Town Counsel and the Select Board and Town departments and officials.
2. The Town Manager reviews requests to use Town Counsel on matters other than those from the Select Board Chair.
3. Elected and appointed boards must have prior approval from the Select Board to use Town Counsel on legal matters.
4. The Town Manager provides the Select Board with monthly status reports on legal issues and concerns.

~~(d) prepare warrants for special and annual town meetings for consideration and signature by the board in compliance with town by-laws. Attend all sessions of annual and special town meetings, unless excused by the board, and be prepared to answer all questions concerning warrant articles;-~~

~~(e) work in conjunction with the chair of the board and town counsel regarding any litigation or other legal matters in which the town has an interest, act as liaison between the town counsel and the board and affected town departments and officials, review and approve new requests, other than those of the chairman of the board, for use of town counsel on new matters and provide the board with monthly status reports on legal issues and concerns;-~~

(h) Procurement

The Town Manager serves as the Town's Chief Procurement Officer and shall have the authority to execute contracts on behalf of the Town up to \$50,000.00. In this role, the Town Manager is responsible for:

1. Purchasing all supplies, materials and equipment for the departments under the jurisdiction of the Select Board.
2. Reviewing purchases by other boards to ensure that they conform to all state and local laws and regulations.
3. Keeping a full and complete inventory of all town property, both real and personal.
4. All Town insurance programs and serve as the contact with the insurance providers.

[Note: The procurement limit has been increased from \$25,000 to \$50,000]

~~(f) have the authority to execute contracts on behalf of the town up to \$25,000.00;-~~

~~(g) serve as chief procurement officer of the town responsible for purchasing all supplies, materials and equipment for the departments under the jurisdiction of the board. Purchases by other boards shall be reviewed by the manager to ensure that they conform to all state and local laws and regulations. The manager shall keep a full and complete inventory of all town property, both real and personal;~~

~~(h) manage the town's insurance programs and serve as the contact with the insurance providers;~~

(i) Human Resources

The Town Manager or his/her designee shall:

1. Be responsible for the administration of personnel and personnel matters, including the control of confidential personnel files and adherence to Town Personnel Bylaws and Personnel Policies that the Select Board and the Town may adopt.
2. Fix the compensation within the appropriated amounts of all Town Officers and employees under the jurisdiction of the Select Board in conformance with the Personnel Board Policy and Compensation Guidelines
3. Be responsible for the enforcement of personnel policies, rules and regulations, and managing personnel costs such as salaries, benefits, overtime, and use of town-owned vehicles for employees under the jurisdiction of the Select Board.
4. Serve as arbiter of grievances and chief union negotiator for all collective bargaining agreements under the jurisdiction of the Select Board. The Select Board may provide advice and guidelines to the Town Manager. The Select Board shall retain the authority to execute the union contract agreements.
5. Evaluate Town Officers and employees under the jurisdiction of the Select Board in accordance with the Personnel Bylaws on an annual basis.
6. Serve as the Town's Americans with Disabilities Act Director and ensure compliance with state and federal law.
7. Administer the Town's Affirmative Action Program and ensures compliance with state and federal law.
8. Provide timely and relevant retiree benefit information to Town retirees.

~~(i) be responsible for the administration of personnel and personnel matters, including the personnel by-laws, files and all personnel policies that the board and the town may adopt. Such responsibilities shall include the enforcement of personnel policies, rules and regulations and managing personnel costs such as salaries, benefits, overtime and use of town-owned vehicles for employees under the jurisdiction of the board;~~

~~(j) evaluate all of the town officers and employees under the board in accordance with the personnel by-laws;~~

~~(k) serve as the town's Americans With Disabilities Act director and affirmative action officer and administer the town's affirmative action program;~~

~~(l) fix the compensation of all town officers and employees within the limits established by the personnel board, the relevant body and the appropriation;~~

(j) Miscellaneous Duties

The Town Manager shall:

1. Respond to and coordinate local response to emergency situations.
2. Establish and maintain positive community relations with local organizations, groups and residents.
3. Receive and act on questions and complaints filed with the Select Board or the Town Manager and inform the Select Board of the status of the resolution.
4. Serve as the Select Board's liaison to news outlets, including the preparation of news releases and act as spokesperson to the press when authorized by the Select Board.
5. Prepare written reports as directed by the Select Board
6. Perform other duties required by the bylaws or votes of the Town Meeting or by the Select Board.

~~(m) see that all laws, bylaws, other town meeting votes and directives of the board of selectmen, that require enforcement by the town manager or officers or employees subject to the town manager's direction and supervision, are faithfully carried out.~~

~~(n) be responsible for keeping full and complete records of the administrative activities of the town and render a full report of the prior fiscal year to the board within 3 months of the end of that year. The manager shall have access to all town books and records for the performance of his duties;~~

~~(o) keep the board informed as to the financial condition and needs of the town and recommend to the board any actions that should be taken;~~

~~(p) serve as arbitrator of grievances and chief union negotiator for all collective bargaining agreements under the jurisdiction of the board. The board, from time to time, may provide advice and guidelines to the manager. The board shall retain the authority to execute the union contract agreements;~~

~~(q) respond to and coordinate local response to emergency situations;~~

~~(r) establish and maintain positive community relations with local organizations, groups and residents;~~

~~(s) receive and act on questions and complaints filed with the board or the manager and inform the board of the status of the resolution;~~

~~(t) serve as the board's liaison to news outlets, including the preparation of news releases and acting as spokesperson to the press when authorized by the board;~~

~~(u) prepare written reports as directed by the board; and~~

~~(v) perform other duties required by the by-laws or votes of the town meeting or by the board.~~

SECTION 5. FINANCIAL AND BUDGETARY RESPONSIBILITIES

The Town Manager's financial and budgetary responsibilities shall include:

- (a) Compile and recommend to the Select Board a balanced budget, for approval in its entirety, for the departments under the jurisdiction of the Select Board.
- (b) Be responsible for keeping full and complete records of the administrative activities of the Town and render a full report of the prior fiscal year to the Select Board within three (3) months of the end of that year.
- (c) Access to all Town books and records for the performance of his/her duties.
- (d) Keep the Select Board informed as to the financial condition and needs of the Town and recommend to the Select Board any actions that should be taken.
- (e) Work with the Finance Committee to prepare and present an annual balanced budget to the Select Board for its review, and approval.
- (f) Provide detailed budgetary estimates of amounts necessary for the administration of all Town boards, officers, committees, divisions and departments under the jurisdiction of the Select Board or the Town Manager for the ensuing fiscal year, including both capital and operating items.
- (g) Review the warrant for all Town meetings and ballot questions to ensure that they are proper and legal and that there are sufficient funds available for implementation.
- (h) Approve the warrants for the payment of Town obligations after reviewing the expenditures and ensuring that they are proper and within the appropriation. The signature of the Town Manager is sufficient for payment by the Treasurer.
- (i) Reorganize Town departments under the jurisdiction of the Select Board for more efficient use of town resources to ensure that departmental activities are conducted within the budget as authorized by Town Meeting.
- (j) Ensure that the complete and full records of the financial activity of the Town are maintained in accordance with state, federal laws and the Town bylaws and render quarterly reports to the Select Board.
- (k) Provide interim or condensed reports from time to time as requested by the Select Board.
- (l) Seek out, prepare, coordinate and file applications for state, federal and private grants.

~~The manager shall have budgetary powers and responsibilities, the manager shall:-~~

~~(a) prepare and present annually to the board for its review, approval and recommendations to the finance committee detailed budgetary estimates of amounts necessary for the administration of all town boards, officers, committees, divisions and departments under the jurisdiction of the board or~~

~~the manager for the ensuing fiscal year, including both capital and operating items. The manager shall present a requested balanced budget to the finance committee.~~

~~(b) review the warrants for all town meetings and ballot questions to ensure that they are proper and legal and that there are sufficient funds available for implementation.~~

~~(c) approve the warrants for the payment of town obligations after reviewing the expenditures and ensuring that they are proper and within the appropriation. The signature of the manager is sufficient for payment by the treasurer.~~

~~(d) have the authority to reorganize departments under the jurisdiction of the board for more efficient use of town resources in order to ensure that departmental activities are conducted within the budget as authorized by town meeting.~~

~~(e) ensure that the complete and full records of the financial activity of the town are maintained in accordance with state, federal laws and the town by-laws and render quarterly reports to the board. The board may require interim or condensed reports from time to time.~~

~~(f) seek out, prepare, coordinate and file applications for state, federal and private grants.~~

SECTION 6. ABSENCE

(a) During a temporary absence of 30 days or less, the Town Manager shall designate by a letter filed with the Select Board, a qualified administrative employee to exercise the powers and perform the duties of the Town Manager. ~~not admitting to delay.~~

(b) If the Town Manager fails to do so, or the designated person fails to serve to the satisfaction of the Select Board, the Select Board may appoint a qualified administrative employee or officer to serve.

(c) During an absence of greater than 30 days or a vacancy in the office, the Select Board shall designate an interim Town Manager with the full powers and authority of the Town Manager.

SECTION 7. TOWN MANAGER ACT REVIEW

(a) Every 5 years, the Select Board ~~of selectmen~~ shall appoint a committee from among the residents of the ~~town~~Town ~~a committee~~ to review this act. ~~as it may be amended from time to time.~~

(b) ~~The~~Such committee shall make such recommendations to the Select Board ~~of selectmen~~ as it deems appropriate concerning proposed revisions.

(c) The committee shall be comprised of an odd number of members not to exceed a maximum of seven (7) ~~members~~.

SECTION 8. SUSPENSION AND REMOVAL PROCESS

- (a) The Select Board, by an affirmative vote of its members, may initiate the removal or suspension of the Town Manager by adopting a resolution to that effect by a majority vote of its members at a regularly scheduled meeting in open session.-
- (b) The resolution shall state the reason the Select Board has decided to act.
- (d) The Select Board may suspend the Town Manager for not more than 45 days. A copy of the resolution of suspension OR termination shall be delivered in hand to the Town Manager.
- (e) The Town Manager may request a public hearing within seven (7) business days after the copy of the resolution has been received by filing a written request with the Select Board.
- (f) If a request for a public hearing is properly filed, the Select Board shall conduct a public hearing within 14 business days from the receipt of the written request and within seven (7) business days after the hearing may discharge the Town Manager by a majority vote of the Select Board.
- (g) If the Town Manager does not request a public hearing in writing within seven (7) business days of the receipt of the resolution, the Select Board by affirmative vote, may vote to terminate the Town Manager or take any other action relative thereto.

~~The resolution shall state the reason thereof; provided, however that no such resolution shall be adopted within 90 days of the annual town election. Any such resolution shall be adopted by action of the board only at a regularly scheduled meeting of the board and in open session. The board may suspend the manager for not more than 45 days. A copy of the resolution of suspension and removal shall be delivered in hand to the manager. The manager may request a public hearing within 7 business days after the copy of the resolution has been received by filing a written request with the board. If a request for a public hearing is properly filed, the board shall conduct a public hearing within 14 days from the receipt of the written request and, within 7 days after the hearing, may discharge the manager by a majority vote of the board. If the manager does not request a public hearing in writing within 7 business days of the receipt of the resolution, the board, by affirmative vote, may vote to remove or take any other action relative thereto.~~

SECTION 9. EFFECTIVE DATE

This act shall take effect upon its passage.