

HOUSE No. 4071

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 Amending The Charter Of The Town Of Chelmsford Relative To Town Manager,
Administrative Powers And Duties.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>

HOUSE No. 4071

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 4071) of Thomas A. Golden, Jr., and others (by vote of the town) relative to the authority of the town manager in the town of Chelmsford. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act Amending The Charter Of The Town Of Chelmsford Relative To Town Manager, Administrative Powers And Duties.

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

1 The charter of the Town of Chelmsford, which is on file in the office of the archivist of
2 the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby
3 amended by striking out Section 4-3 and inserting in place thereof the following section:

4 Section 4-3. Supervisory, Administrative Powers and Duties

5 The town manager shall be the chief administrative officer of the town and shall be
6 responsible to the board of selectmen for the proper operation of town affairs for which the town
7 manager is given responsibility under this charter. The powers, duties and responsibilities of the
8 town manager shall include, but are not intended to be limited to, the following:

9 Supervisory

10 (a) to supervise, direct and be responsible for the efficient administration of all officers
11 appointed by the town manager and their respective departments and of all functions for which

12 the town manager is given responsibility, authority or control by this charter, by bylaw, by town
13 meeting vote, or by vote of the board of selectmen.

14 (b) to coordinate all activities of town departments under the direction of the town
15 manager and board of selectmen with the activities of departments under the control of officers,
16 boards or commissions elected directly by the voters of the town.

17 (c) to delegate, authorize or direct any subordinate or employee of the town to exercise
18 any power, duty or responsibility which the office of town manager is authorized to exercise,
19 provided, that all acts that are performed under such delegation shall be deemed to be the acts of
20 the town manager.

21 Administrative Powers

22 (d) to administer either directly or through a person or persons supervised by the town
23 manager, in accordance

24 with this charter, all provisions of general or special laws applicable to the town, all
25 bylaws, and all policies

26 established by the board of selectmen.

27 (e) to administer, in cooperation with the personnel board, if any, personnel policies,
28 practices, or rules and regulations, any compensation plan and any related matters for all
29 municipal employees and administer all collective bargaining agreements, except for school
30 department agreements, entered into by the town.

31 (f) to be responsible for the negotiation of all contracts with town employees over wages,
32 and other terms and conditions of employment, except employees of the school department. The

33 town manager may, subject to the approval of the board of selectmen, employ special counsel to
34 assist in the performance of these duties. Contracts shall be subject to the approval of the board
35 of selectmen.

36 (g) to develop and maintain a full and complete inventory of all town owned real and
37 personal property.

38 (h) to fix the compensation of all town employees and officers appointed by the town
39 manager within the limits established by appropriation and any applicable compensation plan.

40 (i) to prepare and submit an annual operating budget and capital improvement program
41 as provided in Part VI.

42 (j) to investigate or inquire into the affairs of any town departments or office under the
43 supervision of the town manager or the job-related conduct of any officer or employee thereof.

44 Administrative Duties

45 (k) to attend all regular and special meetings of the board of selectmen, unless excused
46 by the board of selectmen.

47 (l) to attend all sessions of the town meeting and answer all questions addressed to the
48 town manager which are related to the warrant articles and matters under the general supervision
49 of the town manager.

50 (m) to keep the board of selectmen fully informed as to the needs of the town, and
51 recommend to the selectmen for adoption such measures requiring action by them or by the town
52 as the town manager deems necessary or expedient.

53 (n) to keep the board of selectmen and the finance committee fully informed as to the
54 financial condition of the town and make recommendations to the board of selectmen and other
55 elected and appointed officials as the town manager deems necessary or expedient.

56 (o) to insure that complete and full records of the financial and administrative activity of
57 the town are maintained and render reports to the board of selectmen as may be required.

58 (p) to be responsible for the maintenance and repair of all town facilities, and, except for
59 the custodial services in the school facilities. The Town Manager shall be responsible for the
60 rental of all town facilities.

61 [Amended 10-16-2006 ATM by Art. 36, ratified 4-3-2007]

62 (q) to be responsible for the purchase of all supplies, materials and equipment, except
63 books and other educational materials for schools and books and other media materials for
64 libraries, and approve the award of all contracts for all town departments with the exception of
65 the school department, subject to the approval of the board of selectmen.

66 (r) to perform such other duties as necessary or as may be assigned by this charter, by
67 bylaw, by town meeting vote, or by vote of the board of selectmen.”