

SENATE No. 3009

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 relative to the Carver town administrator bylaw change.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Marc R. Pacheco

First Plymouth and Bristol

Susan Williams Gifford

2nd Plymouth

SENATE No. 3009

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 3009) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation relative to the Carver town administrator bylaw change. Municipalities and Regional Government. [Local approval received]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the Carver town administrator bylaw change.

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. The town of Carver’s bylaws are hereby amended in bylaw 3.3. titled Job
2 Description, 3.3.1. Appointment, by striking out in its entirety bylaw 3.3.1.1 and inserting in
3 place thereof the following new bylaw 3.3.1.1:-

4 “3.3.1.1. The Select Board shall appoint a Town Administrator from a list prepared by a
5 screening committee. The screening committee shall be appointed for the purpose of identifying
6 qualified candidates for the position and shall consist of 9 members. The composition of the
7 screening committee shall be 1 member chosen by the respective board: 1 member of the school
8 committee, 1 member of the finance committee, 1 member of the planning board, 1 member of
9 the business community, a Carver resident (business stakeholder), 3 members at-large (Carver
10 residents) to be appointed by the select board and 2 public safety representatives who are not
11 appointed by the town administrator who will be appointed by the select board. Whenever the
12 office of Town Administrator is vacant or about to become vacant, the Select Board shall

13 convene said Search Committee and establish rules and regulations for its work, including but
14 not limited to the number of members who will serve and when its work is to be complete,” and
15 further amended by striking out in its entirety bylaw 3.3.1.2. and inserting in place thereof the
16 following new bylaw 3.3.1.2.:-

17 “3.3.1.2. The Select Board shall appoint the Town Administrator to serve for a term not
18 to exceed five (5) years and shall fix compensation for such person, annually, within the amount
19 appropriated by the town. At no time shall a contract be more than five (5) years; provided
20 however that a contract of five years or less may be renewed for subsequent terms of five years
21 or less by vote of the Select Board only in the last year of the contract,” and is further amended
22 by inserting after bylaw 3.3.1.3. the new by-law 3.3.1.4.

23 “3.3.1.4. Whenever the office of Town Administrator is vacant or about to become
24 vacant, the Select Board may appoint an Interim Town Administrator for an initial period not to
25 exceed six (6) months. The Select Board may then appoint an Interim Town Administrator for
26 successive periods as they deem necessary. The appointment of an Interim Town Administrator
27 is not subject to the Screening Committee requirement set forth in Section 3.3.1.1. of this
28 bylaw.”

29 SECTION 2. The town of Carver’s bylaws are hereby amended in bylaw 3.3. titled Job
30 Description, 3.3.3. Conditions, by striking out in its entirety bylaw 3.3.3.4. and inserting in place
31 thereof the following new bylaw 3.3.3.4.:-

32 “3.3.3.4. The Town Administrator shall devote full time to the office and shall not hold
33 any other elected or appointive office in the Town of Carver. The Town Administrator may
34 engage in such part-time activities that are typically permitted to other appointed officials in the

35 Town of Carver, if they do not conflict with or negatively affect performance of the duties
36 outlined in these bylaws or the employment agreement between the Town and the Town
37 Administrator. These include, but are not limited to, elected and appointed positions in other
38 municipalities or organizations, activities related to professional development such as attending
39 conferences, attending or delivering courses, and remunerative activities undertaken outside of
40 full-time hours devoted to the position of Town Administrator, or activities that are required
41 under an existing contractual agreement the existence of which was communicated to the Select
42 Board prior to appointment to the position of Town Administrator."