

Acts (2013)

Chapter 122

AN ACT RELATIVE TO THE FORM OF GOVERNMENT IN THE TOWN OF PAXTON.

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. The inhabitants of the town of Paxton, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the town of Paxton.

SECTION 2. The legislative powers of the town shall continue to be exercised by a town meeting that is open to all voters of the town.

SECTION 3. There shall be a board of selectmen consisting of 3 members elected, by the voters by ballot at a general election, for 3-year terms; so arranged that the term of office of 1 member shall expire each year. The executive powers of the town shall be vested in the board of selectmen. The board of selectmen shall have all of the powers and duties given to boards of selectmen under the constitution and laws of the commonwealth and such additional powers and duties as may be authorized by this act, by by-law or by other town meeting vote. The board of selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of its official acts to be maintained. The board of selectmen shall be the chief policy making board of the town and shall act by the issuance of policy statements and guidelines to be followed and implemented by all town agencies serving under the board.

The board of selectmen shall be the licensing authority of the town and may: issue licenses; make necessary rules and regulations regarding the issuance of such licenses; attach conditions and restrictions thereto as it deems to be in the public interest; and enforce the laws relating to all businesses for which it issues licenses.

To aid the board of selectmen in the conduct of its official business duties, the board of selectmen shall appoint a town administrator who shall serve at the pleasure of the board.

The board of selectmen shall also appoint a board of registrars, town counsel, town auditor, dog officer, building commissioner and fence viewer. The board of selectmen shall also appoint members to the capital improvement committee, Paxton housing partnership, zoning board of appeals, historical commission, historic district commission, open space committee, council on aging, conservation commission, master plan implementation committee and such other boards, committees and commissions as may be duly constituted from time to time.

SECTION 4. The town moderator, an officer elected by ballot with a 3-year term, shall make appointments to the finance committee and any other appointments authorized by a town meeting vote or town by-laws.

SECTION 5. The town administrator shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. Any vacancy in the position of town administrator shall be filled as soon as possible by the board of selectmen. Pending the appointment of a town administrator or the filling of any vacancy, the board of selectmen shall appoint a suitable person to perform the duties of the office. In the event of temporary absence or disability of the town administrator, the board of selectmen may designate a qualified person to serve as acting town administrator and to perform the duties of the town administrator during such temporary absence or disability. The town administrator shall be compensated for services as the board of selectmen shall determine, but such compensation shall fall within the town's wage scale and not exceed the amount appropriated by the town.

SECTION 6. The town administrator shall be the chief administrative officer of the town, shall act as the agent for the board of selectmen and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town administrator is given responsibility under this act. The town administrator, under the policy direction of the board of selectmen, shall supervise, direct and be responsible for the efficient administration of all officers that the town administrator appoints and their respective departments and for all functions that the town

administrator is given responsibility, authority or control by this act, by by-law, by town meeting vote or by vote of the board of selectmen. The town administrator may delegate, authorize or direct any subordinate or employee of the town to exercise any power, duty or responsibility, which the office of town administrator is authorized to exercise under this act. All actions that are performed under such delegation shall be deemed to be the actions of the town administrator.

SECTION 7. Except as otherwise provided by this act, the town administrator shall appoint, subject to the approval by a majority vote of the board of selectmen, the collector, treasurer, town clerk, town accountant, town services coordinator, administrative assistant to the town administrator and board of selectmen, all department heads and officers, subordinates and employees, except employees of the school district or department, the fire department and those who are elected or are under the supervision of elected officials, boards or commissions of the town. Appointments of department heads made by the town administrator shall become effective on the fifteenth day following the day notice of the proposed appointment was filed with the board of selectmen unless the board of selectmen shall, within said period, votes by a majority to reject the appointment, or has sooner voted to affirm it. Copies of notices of the proposed appointments shall be posted at the time the notices are filed with the board of selectmen.

SECTION 8. Except as otherwise provided by this act, the town administrator may remove for cause all department heads and officers, subordinates and employees except employees of the school district or department and those who are elected or are under the supervision of elected officials, boards or commissions. Removals for cause by the town administrator shall be subject to due process requirements of federal, state or town laws and regulations or enforceable contract provisions. The town administrator shall follow the procedure outlined in the town personnel policy, as it may be revised or amended from time to time. Removals of department heads by the town administrator shall become effective on the thirtieth day following the day notice of the proposed removal is filed with the board of selectmen unless the board, within said period, votes by a majority to reject the removal, or has sooner voted to affirm it.

SECTION 9. Annually, for the ensuing year, the board of selectmen in conjunction with the town administrator shall define goals and performance objectives, which both parties determine are necessary for the proper operation and welfare of the town and for the attainment of the policy objectives of the board. The board of selectmen and town administrator shall establish a relative priority among those various goals and objectives. The goals and objectives shall be reduced to writing. The board of selectmen shall review and evaluate the performance of the town administrator on a formal basis once annually pursuant to the terms and conditions of this act. The review and evaluation shall include, but not be limited to: the town administrator's progress and performance on the annual goals and objectives as are prepared pursuant to this section; budgetary and financial administration; personnel administration; supervision and leadership; staff development; public relations; employee and labor relations; policy execution; and interaction with the board of selectmen as well as governmental officials, departments, boards and committees. The board of selectmen shall provide the town administrator with a written evaluation report after each formal review and evaluation and shall provide the town administrator with an opportunity to discuss the administrator's review and evaluation with the board of selectmen in a workshop session and submit written comments in relation thereto.

SECTION 10. The town administrator shall:

- (a) ensure that complete and full records of the financial and administrative activity of the town are maintained and render reports to the board of selectmen as may be required;
- (b) review warrants for payments of town funds prepared by the town accountant and approved by the board of selectmen;
- (c) serve as chairman of the "financial management team", which shall be comprised of the town administrator, the town accountant, the treasurer, collector, assessor and the finance committee chair. The financial management team shall meet on a regular basis, such as monthly, to review financial information and provide guidance to assist policy makers in their decision making process. The town administrator, as chairman of the financial team, shall keep the board of selectmen fully informed as to the financial condition of the town, as determined by the financial management team, and shall make recommendations to the board of

selectmen and to other elected and appointed officials that the financial team deems necessary or expedient in regard to such matters;

(d) prepare annually a financial forecast of the town's revenue, expenditures, capital, infrastructural needs and the general financial condition of the town with an updated projection for the next 5 years;

(e) be responsible for the efficient use, maintenance and repair of all town facilities and report any major changes in assets to the capital committee and oversee insurance policies for the properties under the authority of the board of selectmen, except for those facilities under the jurisdiction of the school district or board;

(f) attend all regular and special meetings of the board of selectmen, unless excused, and attend all sessions of the town meeting and answer questions addressed to the administrator about warrant articles and matters that are under the administrator's general supervision;

(g) administer and maintain, either directly or through a person or persons supervised by the town administrator, general and special laws, by-laws and other votes of the town meeting and make recommendations for changes to such laws;

(h) coordinate activities of all town departments, officers, boards and commissions under the jurisdiction of the board of selectmen and facilitate interdepartmental communication among all town departments, officers, boards and commissions;

(i) administer personnel policies, practices, rules and regulations, compensation plans, including benefits and insurance programs, and any related matters for all municipal employees including the personnel by-laws and collective bargaining agreements under the town administrator's jurisdiction;

(j) be responsible, along with the board of selectmen and any department managers, which the town administrator deems fit, for the negotiation of all contracts with town employees over wages and other terms and conditions of employment, except contracts for employees of the school district or department; provided, however, that such contracts shall be subject to the approval of the board of selectmen. The town administrator shall resolve union grievances according to the provisions of the union contracts with the town, except for school district or department contracts. The town administrator may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of these duties;

(k) award, subject to the approval of the board of selectmen, all town contracts,

except contracts involving the school district or department. The town administrator shall serve as, and perform the duties of, the contract compliance officer of the town;

(l) serve as, and perform all the duties of, the chief procurement officer of the town;

(m) serve as a liaison with regional, state and federal governmental organizations, local business and community leaders and the general public;

(n) serve as the grants person for the town, seek out grants, be responsible for the preparation of grant applications and administer any grants awarded to the town;

(o) appoint and supervise the department heads and other non-elected officials and personnel of the town that are under the jurisdiction of the town administrator or board of selectmen. The town administrator shall evaluate the performance of all department heads annually. The town administrator shall follow the procedure outlined in the town personnel policy, as it may be revised or amended from time to time, to assist department heads in annually evaluating the performance of the employees under their supervision;

(p) receive correspondence and answer routine daily inquiries. The town administrator shall set priorities among issues that demand the board of selectmen's attention. The town administrator shall organize the agenda for the board of selectmen's meetings, once it has been approved by the chair, and perform research on issues when necessary. The town administrator shall prepare board of selectmen members for meetings with briefing memos, including a list of pertinent issues with supporting data, information on any current events and principle departmental activities;

(q) assemble town meeting articles and town warrants, coordinating with town counsel. The town administrator shall present the articles on the town warrant to the appropriate town boards or committees for review and recommendation;

(r) compile the town report;

(s) review and make recommendations on the status of all license applications that are under the jurisdiction of the board of selectmen and make site inspections as necessary; and

(t) perform such duties as necessary or as may be assigned under this act, a by-law, a town meeting vote or a vote by the board of selectmen.

SECTION 11. The registered voters of the town of Paxton shall elect town officials in accordance with any applicable laws, by-laws, votes of the town or interlocal agreement.

SECTION 12. This act shall take effect upon its passage.

Approved, November 1, 2013.
