Article 20 sets out the new bylaw on Town Manager. It is based on the new Special Act and on the existing Article 19 bylaw about the Board of Selectmen. We have identified which sections are new or the source for the provisions.

ARTICLE 20. TOWN MANAGER

Note: Part I is based on the Special Act.

PART I. GENERAL PROVISIONS

20.1. Town Manager. The Town shall have a Town Manager who shall be responsible to the Board of Selectmen for the proper administration of all town affairs placed in the Town Manager's charge by or in accordance with the provisions of any applicable Special Act.

20.2. Appointment of the Town Manager.

a. The Board of Selectmen may elect to enter into a written contract with the Town Manager pursuant to Chapter 41, Section 108N of the General Laws. The Town Manager may be appointed or re-appointed for successive terms of office, no term of which shall be for more than five years.

b. Prior to initiating any effort to recruit any candidate to serve as Town Manager, the Board of Selectmen shall establish minimum educational, municipal administration, leadership and supervisory qualifications for the office. In addition to the qualifications required by any applicable Special Act, the Town Manager shall have comprehensive knowledge of the functions of municipal government and the management of municipal finance, as well as demonstrated skills in managing the interests of multiple stakeholders. In appointing a Town Manager, the Board may waive any such minimum qualifications only upon a finding that specific substitute requirements can be adopted that will result in substantial protection of the public interest and the rights of persons affected by the waiver.

c. The Town Manager may be removed in accordance with the procedures set forth in any applicable Special Act.

PART II. GENERAL POWERS AND DUTIES

Note: Most of this section is found in the Special Act unless otherwise noted.

20.3. Powers and Duties. The Town Manager shall be the chief administrative officer of the Town, whose powers and duties shall include:

a. Notwithstanding the provisions of Chapter 41, Sections 69E and 97A, the Town Manager may fix the compensation of all Town officers and employees appointed by the Town Manager within the limits established by applicable appropriations and any compensation plan in effect at such time.
Note: The Special Act will override General Laws ch. 41 with respect to the authority of the Board of Public Works to appoint its director (Section 69E) and of the Selectmen to appoint the Police Chief (Section 97A).

b. Notwithstanding the provisions of Chapter 48, section 42 or 42A, if accepted at any time by the Town, or any other general or special law to the contrary, the Town Manager may appoint and remove a Police Chief, a Fire Chief or Chief Fire Engineer, a Town Clerk and all department heads, officers, subordinates and employees of the Town, except for employees of the School Committee, the Municipal Light Board, appointments made by the Commonwealth and those appointments for which another method of appointment is otherwise provided for. Appointments of the Police Chief and Fire Chief or Chief Fire Engineer shall not take effect unless approved by the Board of Selectmen. Any appointment of other department heads or chief staff employees of elected and appointed boards and committees shall take effect no sooner than (1) it is approved by such board or committee; or (2) 15 calendar days after notice of the appointment has been provided to such board or committee without any action thereon; whichever occurs first. The Town Manager shall provide notice to the affected board or committee before any removal of a department head or chief staff employee of such board or committee if practicable, but in no case later than the end of the third business day following the removal of a department head or chief staff employee.
Note: The Special Act overrides the General Law provisions that authorize the Board of Selectmen to appoint the Chief Fire Engineer (i.e. ,our Fire Chief).

c. The Town Manager shall manage and supervise all Town departments except for the School Department and the Municipal Light Department.

d. The Town Manager may, except as otherwise prohibited by law, re-organize, consolidate, abolish or create Town departments in whole or in part, and transfer the duties, powers and appropriations incidental to the reorganization of one Town department to another as follows:

(i) For Town departments under the supervision of the Board of Selectmen, with the approval of the Board of Selectmen; and

(ii) For all other Town departments, after consultation with the affected board, and with the approval of the affected board or Town Meeting.

e. The Town Manager shall direct the operational and strategic planning for the town and shall support the Board of Selectmen in the preparation of a Town-wide Strategic Plan pursuant to section 19.12.
Note: Section 19.12 sets out the responsibility of the Board of Selectmen for the preparation of a Town-wide strategic plan.

f. The Town Manager shall provide for the execution and enforcement of the provisions of law that require enforcement by Town officers and employees subject to the Town Manager's direction and supervision.

g. The Town Manager shall keep the Board of Selectmen fully informed as to the financial condition and needs of the Town and to make such recommendations to the Board of Selectmen as the Town Manager may deem necessary or appropriate.

h. The Town Manager shall ensure that a full and complete record of the financial and administrative activities of the Town is kept, and render a report of such activities to the Board of Selectmen at the end of each fiscal year and at such other times as may be required by the Board of Selectmen.

i. The Town Manager shall prepare and submit a proposed Town-wide annual operating budget, financial plan and the five-year capital budget program in accordance with Article 6A.
Note: Article 6A is the new bylaw on the budget process.

j. The Town Manager shall be responsible, directly or through other Town Boards or departments, for the preparation of plans and the supervision of work on all construction, reconstruction, alterations, improvements and other undertakings for public buildings authorized by the Town.
Note: Section j. is not in the Special Act. It is intended to make it clear that the Town Manager is ultimately responsible for all of this work whether it is directly by the Town Manager's supervision of the Facilities Maintenance Department or through the work of the Permanent Building Committee.

k. Except as otherwise provided by law, the Town Manager shall act as the collective bargaining agent for the Town. In consultation with the human resources director, the Town Manager shall negotiate collective bargaining agreements for execution by the Board of Selectmen; provided, however, that nothing contained herein shall be construed to limit the authority of the Town Manager to participate and vote as a member of the School Committee for the purpose of representing the Town pursuant to Chapter 150E of the Massachusetts General Laws.

l. The Town Manager shall attend all regular and special meetings of the Board of Selectmen except when excused.

m. The Town Manager shall attend all sessions of Town Meetings in order to be available to answer all questions directed to the Town Manager that are related to the Town Manager's office or to matters within the Town Manager's authority.

n. The Town Manager shall oversee the implementation of the actions of Town Meeting.

o. The Town Manager shall have the authority to approve any warrants for the payment of Town funds prepared by the Finance Director; provided, however, that

the approval of any such warrant by the Town Manager shall be sufficient to authorize payment by the Treasurer, and provided further that the Board of Selectmen or its designee shall have the authority to approve such warrants in the event of a vacancy in the office of Town Manager or in the Town Manager's absence.

p. The Town Manager shall be the Town's Chief Procurement Officer, who may delegate the powers and duties of such position as provided by law.
Note: Section p. is not in the Special Act. Under Mass. General Laws, each town must have a Chief Procurement Officer. At the present time, it is the Executive Director.

q. The Town Manager shall have full responsibility for the rental and use of all Town buildings, except those under the care, custody, management and control of the School Committee, the Board of Library Trustees, the Municipal Light Board or other boards as specified by bylaw or Town Meeting vote. The Town Manager or the Town Manager's designee ~~Board of Selectmen~~ shall be responsible for the maintenance and repair of all property except for property under the care, custody and control of the Municipal Light Board.
Note: Section q. is not in the Special Act. The intent here in the first sentence is to make it clear the Town Manager has the responsibility for the use and rental of Town buildings with the exceptions as noted. In the second sentence, the intent is to provide for the centralized function of the Facilities Maintenance Department vis-à-vis maintenance and repair of Town property.

r. The Town Manager, under the direction of the Board of Selectmen pursuant to Section 19.11, shall prosecute or defend all litigation to which the Town is party in consultation with counsel unless otherwise directed by the Board of Selectmen, shall act as primary liaison with all legal counsels on matters relevant to the Town, shall assist Town Counsel with preparation of litigation proceedings and materials and shall employ special counsel with the approval of the Board to assist Town Counsel whenever the Town Manager considers it necessary.
Note: Section r. is not in the Special Act. Section 19.11 makes it clear that the Board of Selectmen is responsible for instituting, prosecuting, defending and compromising claims and other actions.

s. The Town Manager shall periodically review the bylaws and the structure and functioning of Town government and make appropriate recommendations to the ~~Town~~ Board of Selectmen.
Note: Section s. currently exists in Section 19.14. The responsibility for reviewing the bylaws and the structure of town government is being shifted from the Board of Selectmen to the Town Manager. The Town Manager will make recommendations to the Board of Selectmen who then may or may not act on the recommendations.

t. The Town Manager shall serve as the Executive Officer of the Town for the purposes of Chapter 258 of the General Laws.

Note: G.L.c.258 is the Massachusetts Tort Claims Act governing how negligence claims may be brought against municipalities.

u. The Town Manager shall perform any other duties required by state law, Town bylaw, Town Meeting vote or the Board of Selectmen.

PART II. FINANCE DEPARTMENT

Note: Sections 20.4 through 20.13 have been moved in their entirety, except as otherwise noted, from Article 19, Sections 19.41 through 19.49. We have indicated the changes from the current provisions by underlining additions and striking out the language to be deleted. If editing or substantive changes could be made in these sections, we suggest those changes be made in the context of a major revision to the Town Bylaws. The name of the Department has been updated from "Department of Financial Services" as provided in the bylaws to the name currently in use "Finance Department".

20.4. Department**.** The Town shall have a Finance Department headed by the Finance Director who shall be the Town's Chief Financial Officer.

20.5. Finance Director**.** The ~~Executive Director~~ Town Manager may elect to enter into a contract with the Finance Director pursuant to G. L. c. 41,§ 108 N, subject to the Board of Selectmen's approval. The Finance Director shall be the Town Accountant and shall have, except as expressly provided by these bylaws, the powers and duties vested by law in comptrollers and town accountants. Among the duties and responsibilities of the Finance Director shall be the following:

a. Coordinating and administering Town financial services and activities, including providing support as needed to the Advisory Committee and other Town boards and committees.

b. Serving as a member of the Retirement Board ex officio.

c. Assisting in the development of budgets and reviewing all budgets for format, completeness, and accuracy before submission to the Advisory Committee.

d. Assisting the ~~Executive Director~~ Town Manager in preparing and supervising purchasing and inventory control procedures.

e. Administering the disposal of Town property.

f. Maintaining Town accounting records and financial statements and cooperating in the performance of annual audits.

g. Paying all Town obligations, after securing required approvals.

h. Monitoring all expenditures of Town funds.

i. Timely reporting to the Board of Selectmen and to other appropriate boards of actual or foreseeable incurring of obligations or expenditures of funds in excess of budgeted appropriations.

j. Maintaining payroll and other financial records relating to all Town personnel.

k. Sending to each board, at regular intervals, a statement of the funds expended during the preceding month and a statement of the balances remaining under appropriated budgets.

20.6. Treasurer and Collector of Taxes. The Town shall have a Town Treasurer and Collector of Taxes ("Treasurer/Collector"), who shall be appointed by the Finance Director, for a three year term commencing on July 1, subject to the approval of the ~~Executive Director~~ Town Manager. The Treasurer/Collector shall have, except as otherwise expressly provided by these bylaws, the powers and duties vested by law in Town treasurers and collectors of taxes. Among the duties and responsibilities of the Treasurer/Collector shall be the following:

a. Collection of taxes and other funds due the Town, including the receipt of payments made on utility bills prepared and sent by the Department of Public Works;

b. Initiation, with the assistance of the ~~Executive Director~~ Town Manager and with the approval of the Board of Selectmen, of legal action to collect overdue funds payable to the Town;

c. Delivery of copies of any notice required by General Laws, Chapter 60, of intent to take land for the Town for nonpayment of taxes and of subsequent action relating to such taking and copies of any court order of judgment with respect to the validity or invalidity of the title in any parcel of land so taken, to the Board of Selectmen, Planning Board, Board of Public Works, Natural Resources Commission, Housing Authority, Recreation Commission, School Committee and any other board that may request such notice, or their successors; and

d. Investment of Town funds in accordance with the guidelines and criteria set by the Board of Selectmen for the investment of any and all types of Town funds as provided in Article 19.5.~~3.~~ Investment of Town Funds.

e. Inform all licensing authorities and assist in the collection of unpaid taxes, fees, assessments, betterments, and other municipal charges in accordance with the following procedure:

(I) The Tax Collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority,

that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as The Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(II) The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the Licensing Authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Licensing Authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as the date of issuance of said certificate.

(III) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(IV) The Board of Selectmen, may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section one of Chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: (The references hereinafter set forth being to the General Laws): Open Burning (Section thirteen of Chapter forty-eight); Bicycle Permits (Section eleven A of Chapter eighty-five); Sales of Articles for Charitable Purposes (Section thirty-three of Chapter one hundred and one); Children Work Permits (Section sixty-nine of Chapter one hundred and forty-nine); Clubs and Associations Dispensing Food or Beverage Licenses (Section twenty-one E of Chapter one hundred and forty); Dog Licenses (Section one hundred and thirty-seven of Chapter one hundred and forty); Fishing, Hunting, Trapping License (Section twelve of Chapter one hundred and thirty-one); Marriage Licenses (Section twenty-eight of Chapter two hundred and seven) and Theatrical Events, Public Exhibition Permits (Section one hundred and eighty-one of Chapter one hundred and forty).

20.7. Purchasing Guidelines**.** The ~~Executive Director~~, Town Manager, in cooperation with the Superintendent of Schools, the Director of Public Works and any other Town Officers selected by the ~~Executive Director~~ Town Manager, shall adopt policies and procedures governing the process by which each board or department of the Town purchases or leases any item or service. The policies and procedures shall, among other things:

a. Implement the several General Laws governing procurements by all Town departments, by providing internal procedures and guidelines for all Town procurements including, without limitation, those procurements governed by General Laws, Chapter 30B, the Uniform Procurement Act, and such other governing authority, when deemed by the ~~Executive Director~~ Town Manager to be helpful to the procuring departments and to the Finance Department;

b. Ensure compliance with the 3-year limitation in procurement contracts governed by the Uniform Procurement Act, except to the extent a longer term has been authorized by Town Meeting pursuant to General Laws, Chapter 30B, Section 12 (B), in the following respects:

TYPE OF CONTRACT	**LIMIT ON DURATION**
1. Communication, (Equipment and/or servicing thereof)	5 Years
2. Trash removal from municipal buildings	5 Years
3. Transportation of school children	5 Years
4. Food services beverages	5 years (*New ATM 2002*)

c. Facilitate cooperation among all Town boards and departments to ensure that, to the extent possible, all Town boards and departments jointly purchase materials and supplies used by more than one board and department;

d. Encourage bidding for serial purchasing of major items, as defined by the ~~Director~~ Town Manager, by requiring that each board or department prepare annually a schedule of the anticipated quantity of major items to be purchased and the anticipated timing for writing specifications, advertising for bid, awarding contracts, and receiving the merchandise.

20.8. Inventory Records and Controls. The ~~Executive Director~~ Town Manager shall adopt policies and procedures by which all boards and departments maintain inventory records of all Town supplies, materials, and equipment and the procedures to be used for maintaining inventory controls.

20.9. Payment of Town Funds. The ~~Executive Director~~ Town Manager shall adopt policies and procedures governing the disbursement of Town funds. These policies and procedures shall, among other things, require that payment for purchases shall be processed in the following manner:

a. No money shall be paid from the treasury of the Town without a warrant or order prepared by the Town Accountant and signed by ~~a majority of the Selectmen.~~ the Town Manager.

b. The Town Accountant shall have custody of all vouchers which have been entered on warrants for payment and approved by the ~~Selectmen.~~ the Town Manager. These vouchers shall be available for inspection during regular business hours.

c. Whenever the account of any appropriation, other than an appropriation for a special purpose (such as a construction contract), for which the work has not been completed shows an unexpended balance at the end of the fiscal year, such balance (except in the case of the Municipal Light Plant) shall revert to the treasury of the Town as unappropriated funds; and

d. No work, the payment for which is in any part to be contributed voluntarily by private individuals, firms or corporations shall be performed by the officer, official, department, or board of the Town having charge thereof, until a sufficient sum has been deposited with the Town Treasurer to cover such voluntary contributions.

20.10. Disposal of Town Property**.** The ~~Executive Director~~ Town Manager shall adopt policies and procedures governing the disposal of surplus and obsolete Town property. "Disposal" includes any method by which the officer, official, board, or department responsible for the property terminates or substantially reduces its right to control the property. The policies and procedures shall, among other things:

a. Implement the General Laws governing the disposal to a third party of a tangible supply no longer useful to the Town but having re-sale or salvage value (General

Laws, Chapter 30B, Section 15) and the rental, conveyance or other disposition of real property (General Laws, Chapter 30B, Section 16).

b. Establish internal procedures to ensure that no tangible or real property of the Town shall be disposed of to a third party without first ascertaining that it is not in the Town's interest to retain and/or transfer the property to another Town department.

c. Provide that no property belonging to the Municipal Light Plant having a value in excess of $30,000, no other tangible Town property having a value in excess of $10,000, and no real property shall be disposed of without Town Meeting approval.

d. Provide that each board, officer, official, and department shall annually view its property for obsolescence and report thereon to the ~~Executive Director~~ Town Manager and shall promptly take steps for all surplus and obsolete property.

20.11. Evasion. No action shall be taken to increase or decrease, by combination or division or in any other way, the value of any item, service, or piece of property so as to avoid the effects of policies and procedures adopted by the ~~Executive Director~~ Town Manager under Sections ~~19.44. and 19.47.~~20.7. and 20.10.

20.12. Annual Report. In addition to the requirements of Article 4, the ~~Executive Director's~~ Town Manager's annual report shall satisfy the requirements of Chapter 41, Section 61 of the General Laws and shall include financial statements showing the financial condition of the Town at the close of the last completed fiscal year, the results of operations in the fiscal year last completed (in the usual accounting format but of limited length and complexity), and a summary statement of (i) all investments made by the Town during the last completed fiscal year, including the rates of return, (ii) all borrowings, including amounts, rates of interest, and names of lenders from whom the money was borrowed and (iii) a list of insurance policies showing the property covered, the amount of each policy, the premiums, the names of the insurers, and the agents through whom the policies were purchased. The ~~Executive Director's~~ Town Manager's report need not repeat information contained in the annual report of the Audit Committee.

PART III: Temporary Town Manager and Acting Town Manager

Note: This provision is new.

20.13. Temporary Town Manager and Acting Town Manager.

a. The Town Manager may appoint a Temporary Town Manager, to whom the Town Manager may delegate all or some of the powers and duties of the Town Manager during a short-term absence.

b. The Board of Selectmen may appoint an Acting Town Manager, to whom the Board of Selectmen may delegate all or some of the powers and duties of a Town Manager on an interim basis.

PART IV. House Numbers

Note: This provision was the old Section 19.20.

20.14. Street Numbers. The ~~Selectmen~~ Town Manager may at any time in ~~its~~ the Town Manager's discretion, and shall within ten days from the receipt of a request from the owner of any building, designate the numbers to be affixed to or painted on the building. The owner of each building so designated shall comply within ten days after receiving notice thereof.