

Chapter 76  
of the Acts of 2018

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninetieth General Court

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHELMSFORD.

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. Subsection (a) of section 2-5 of the charter of the town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by inserting after the word "clerk;" the following words:- absent a date certain,.

SECTION 2. Said subsection (a) of said section 2-5 of said charter is hereby further amended by striking out the words "unless a date certain is specified therein when it shall take effect".

SECTION 3. Subsection (b) of said section 2-5 of said charter is hereby amended by striking out the word "Removal" and inserting in place thereof the following word:- Moving.

SECTION 4. Said subsection (b) of said section 2-5 of said charter is hereby further amended by striking out the word "removes", each time it appears, and inserting in place thereof, in each instance, the following word:- moves.

SECTION 5. Said subsection (b) of said section 2-5 of said charter is hereby further amended by striking out the word "removed", the last time it appears, and inserting in place thereof the following word:- moved.

SECTION 6. Subsection (c) of section 2-12 of said charter is hereby amended by striking out the words "keep abreast" and inserting in place thereof the following words:- stay informed.

SECTION 7. Said subsection (c) of said section 2-12 of said charter is hereby further amended by striking out the word "forwarded" and inserting in place thereof the following words:- made available.

SECTION 8. Said subsection (c) of said section 2-12 of said charter is hereby further amended by inserting after the word "attend", each time it appears, the following words, in each instance:- or view.

SECTION 9. Subsection (d) of said section 2-12 of said charter is hereby amended by striking out the words "by vote or bylaw", and inserting in place thereof the following words:- , by vote or by-law,.

SECTION 10. Subsection (a) of section 3-1 is hereby amended by striking out the words "a sewer commission, a constable".

SECTION 11. Said charter is hereby amended by striking out section 4-3 and inserting in place thereof the following section:-

Section 4-3 Supervisory, Administrative Powers and Duties.

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

Supervisory

(a) to supervise, direct and be responsible for the efficient administration of all officers appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility, authority or control by this charter, by by-law, by town meeting vote, or by vote of the board of selectmen.

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

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

Administrative Powers

(d) to administer, either directly or through a person or persons supervised by the town manager, in accordance with this charter, all provisions of general or special laws applicable to the town, all by-laws, and all policies established by the board of selectmen.

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

(f) to be responsible for the negotiation of all contracts with town employees over wages, and other terms and conditions of employment, except employees of the school department. The town manager may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of these duties. Contracts shall be subject to the approval of the board of selectmen.

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

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

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

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

Administrative Duties

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

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

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

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

(o) to insure 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.

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

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

(r) to perform such other duties as necessary or as assigned by this charter, by by-law, by town meeting vote or by vote of the board of selectmen.

SECTION 12. Said charter is hereby further amended by striking out sections 4-5 and 4-6 and inserting in place thereof the following 2 sections:-

Section 4-5 Temporary Absence.

The town manager shall provide annually to the board of selectmen a list of qualified officers of the town and may designate by letter filed with the board of selectmen and town clerk a qualified officer of the town from the list to perform the duties of the town manager during a temporary absence or disability. If such temporary absence or disability shall exceed 14 days, any designation made by the town manager shall be subject to the approval of the board of selectmen. In the event of failure of the town manager to make such designation or if the person so designated is for any reason unable to serve,

or is deemed not qualified by the board of selectmen, the board of selectmen may designate some other qualified person from the list to perform the duties of the town manager until the town manager shall return.

Section 4-6 Vacancy in Office.

Any vacancy in the office of town manager shall be filled as soon as possible by the board of selectmen. Pending appointment of the town manager or the filling of any vacancy, the board of selectmen shall forthwith appoint some other qualified person to perform the duties of the town manager. The appointment of the acting town manager shall be for a term not to exceed 6 months, provided, however, that a renewal not to exceed an additional 6 months may be approved.

SECTION 13. Section 5-2 of said charter is hereby amended by inserting after the word "engineering" the following word:- , sewer.

SECTION 14. Said section 5-2 of said charter is hereby further amended by striking out the last sentence.

SECTION 15. Section 6-1 of said charter is hereby amended by inserting after the word "confer" the following words:- as necessary.

SECTION 16. Section 6-3 of said charter is hereby amended by striking out the words "file a" and inserting in place thereof the following words:- submit the.

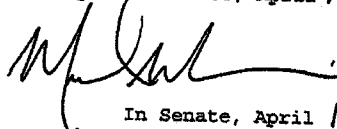
SECTION 17. Section 6-7 of said charter is hereby amended by inserting after the word "offices" the following words:- ; provided, however, that any certified public accountant or firm of accountants that conducts said audit for 3 consecutive years shall refrain from doing so for a minimum of 1 year before becoming eligible to conduct any future audits.

SECTION 18. Section 7-4 of said charter is hereby amended by adding the following definition:-

(g) Officer - The word "officer" shall mean a position or board: (i) whose duties are public in nature; (ii) that has entrusted to it some portion of the sovereign authority of the state; (iii) whose duties are not merely clerical, but involve the exercise of power and authority bestowed by the law; or (iv) that holds a position established by law.

House of Representatives, April 12, 2018.

Passed to be enacted,

 Speaker.  
In Senate, April 12, 2018.

Passed to be enacted,

 President.

April 20, 2018.  
Approved,

  
Governor.