

**HOUSE . . . . . No. 3568**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Geoff Diehl*

*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 charter of the town of Abington creating a department of public works.

PETITION OF:

NAME:

*Geoff Diehl*

*John F. Keenan*

DISTRICT/ADDRESS:

*7th Plymouth*

*Norfolk and Plymouth*

**HOUSE . . . . . No. 3568**

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By Mr. Diehl of Whitman, a petition (accompanied by bill, House, No. 3568) of Geoff Diehl and John F. Keenan (by vote of the town) that the town of Abington be authorized to create a department of public works. Municipalities and Regional Government. [Local Approval Received.]

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The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act relative to the charter of the town of Abington creating a department of public works.

*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 charter of the town of Abington shall be amended by inserting a new  
2 section 5-7 Department of Public Works Organization, as follows:-

3 5-7-1 Department of Public Works. There shall be a department of public works under  
4 the supervision of a director. Said department should include the board of sewer commissioners,  
5 board of parks and recreation, park superintendent, superintendent of highways, tree warden, and  
6 trustees of veterans' memorials and each of their respective functions. The department of public  
7 works shall be responsible for: the repair, alteration and maintenance of all town-owned public  
8 works related equipment, property and vehicles; central purchasing of all public works related  
9 supplies, materials and equipment and management of all contracts and projects for the repair,  
10 alteration, remodeling, construction, reconstruction, maintenance or renovation of all town public  
11 ways, sewer lines, grounds, facilities and equipment, except those under the jurisdiction of the  
12 school department and the board of water commissioners.

13 Notwithstanding that the board of sewer commissioners, board of parks and recreation,  
14 park superintendent, superintendent of highways, tree warden, and trustees of veterans'  
15 memorials shall be part of the department of public works, such multiple member bodies and  
16 officers shall continue to exercise their respective policy-making duties and responsibilities  
17 under the General Laws, except as otherwise provided in this chapter.

18 Additional public works functions, including but not limited to solid waste collection and  
19 disposal, recycling, engineering, and building maintenance, may be transferred to the said  
20 department, after a public hearing, by vote of the board of selectmen upon a recommendation  
21 from the town manager and director of department of public works.

22 The department may, with the approval of the town manager and board of selectmen, be  
23 organized into one or more operational divisions.

24 5-7-2 Director of Department of Public Works. Powers and Duties. Said department  
25 shall be under the supervision of a director of public works who shall exercise and perform,  
26 under the policy direction of the above-referenced boards and committees and the policy  
27 direction and supervision of the town manager, all of the powers, rights and duties to be  
28 exercised by the department in sections 5-7-1 and 5-7-2, except as otherwise provided. The  
29 director shall be appointed by the town manager in accordance with the provision of section 4-2-  
30 1 of this charter, and may be removed by said manager.

31 Said director shall hold no other elective or appointive office in the town and shall not be  
32 engaged in any other business or occupation; provided however, that the director shall be eligible  
33 to also be appointed as head of any division of the department of public works and such service  
34 shall constitute a single position with the town. The director shall give to the town a bond with a

35 surety company authorized to transact business in the commonwealth as surety for the faithful  
36 performance of the director's duties, in such sum and upon such conditions as the town  
37 administrator shall require. Said director shall report to the town manager as to the doings of the  
38 office at such times as said manager may require. Said director shall supervise day to day  
39 operations and provide administrative coordination of the various boards and committees and  
40 functions assigned to the department of public works, and, for that purpose, shall supervise  
41 department division heads or directors.

42           5-7-3. Staffing. Appointments and Removals. The town manager shall appoint in  
43 accordance with Section 4-2-1 or 4-2-2 department staff, including division heads, directors,  
44 principal deputies or principal agents for any division or function of the department for which a  
45 multiple member body or officer provides policy direction, and, in addition to any requirements  
46 set forth in said sections, the town manager shall also consult with the director of the department  
47 of public works and with the appropriate policy making multiple body or officer. The town  
48 manager shall provide notice to any policy making multiple member board or officer of the  
49 department of any suspension or removal of employees assigned to any division thereof. The  
50 decision of the town manager in suspending or removing any person appointed by the town  
51 manager shall be final.

52           SECTION 2. Said charter of the town of Abington is hereby further amended by  
53 inserting, in section 4-2-1, after the words, "park superintendent", the following:- director of the  
54 department of public works.

55           SECTION 3. Said charter is hereby further amended by deleting, in section 4-2-2 the  
56 words, "sewer commission".

57           SECTION 4. To the extent that the amendments to the charter of the town of Abington  
58 made hereunder affect a particular appointed town office, position or employment, the town  
59 shall, subject to appropriation and the continues existence of such office, position or  
60 employment, retain the same and the individuals holding said office, position or employment  
61 shall continue to perform the duties thereof until provisions shall have been made for the  
62 performance of those duties by another person or agency, unless such individual is sooner  
63 removed in accordance with the charter, applicable collective bargaining agreement, employment  
64 contract, by-law or otherwise; provided, however, that no person in the permanent full-time  
65 service or employment of the town shall forfeit that person's pay grade or time in service.  
66 Subject to appropriation and in accord with any contracts or applicable collective bargaining  
67 agreements, all such persons shall be retained in a capacity as similar to the capacity such  
68 persons were serving in at the time this act takes effect. Any reduction in the personnel needs of  
69 the town shall be accomplished through a policy of attrition unless specified otherwise.

70           SECTION 5. No contracts or liabilities in force upon the effective date of this act shall  
71 be affected by the consolidation of public works functions authorized hereunder. All records,  
72 property and equipment whatsoever of any office, department, or part thereof assigned to the  
73 department of public works created under this act shall by operation of law be so assigned to the  
74 said department.

75           SECTION 6. Upon the effective date of this act, the offices and functions identified  
76 herein shall by operation of law become part of the department of public works. The incumbent  
77 members of any of the boards or officers addressed herein shall be unaffected by the creation of  
78 the department in accordance with section 1 of this act.

SECTION 7. This act shall take effect upon passage.