

**CHAPTER 4
THE TOWN MANAGER**

Section 1 Appointment

4-1-1 The Board of Selectmen, by an affirmative vote of at least four members, shall appoint a Town Manager for an indefinite term to serve at its pleasure.

4-1-2 The Board of Selectmen shall appoint a search committee of at least three people, not to include any member of the Board of Selectmen, for the purpose of recommending candidates for the position of Town Manager.

4-2-1 The Town Manager shall be appointed on the basis of education, executive and administrative qualifications and experience.

Section 3 Duties

4-3-1 The Town Manager shall be the chief administrative officer of the town and shall be responsible for administering and coordinating all employees, activities and departments placed by general law, this charter or by-law under the control of the Board of Selectmen and of the Town Manager.

4-3-2 He shall devote his full working time to the duties of his office; he shall not become a candidate for, or hold, any elective office during his term of appointment; and he shall not engage in any business activity during his term, except with the written consent of Board of Selectmen. He shall:

(a) Attend all meetings of the Board of Selectmen, except when excused, and he shall have the right to speak but not to vote.

(b) Assemble, prepare, and present to the Board of Selectmen all annual operating and capital budgets of the town and be responsible for the development and annual revision of the capital improvements program.

(c) Be responsible for seeing that the budget is administered and expended as adopted by the town meeting and in accordance with general law, this charter, and by-law.

(d) Keep the Board of Selectmen informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit quarterly reports to the board.

(e) Keep the board informed regarding the availability of state and federal funds and how such funds might relate to unmet short-range and long-range needs.

(f) Solicit and prepare applications for grants.

(g) Be responsible for the day-to-day administration of the town's personnel system.

(h) Be responsible for the purchasing of all town services and departments, except those of the school department.

(i) Make recommendations to the Board of Selectmen regarding vacancies in town offices and boards to be filled by the Board of Selectmen.

(j) Be responsible for the administrative functions of recreation, historical preservation, services for the elderly, and veteran's services.

(k) Develop, keep, and annually update a full and complete inventory of all property of the town, except school property, both real and personal.

(l) Distribute, or cause to be distributed, copies of the warrant and Finance Committee report for all town meetings to the residences of all registered voters.

(m) Negotiate collective bargaining contracts on behalf of the Board of Selectmen, unless the board shall have designated another negotiator.

(n) Perform such other duties as may be required by this charter, by-law, or vote of the Board of Selectmen.

Section 4 Responsibilities for Appointments

4-4-1 Subject to the approval of the Board of Selectmen, the Town Manager shall have the power to appoint and, on the basis of merit and fitness alone, and except as may otherwise be provided by general law, this charter, or personnel by-laws, may suspend or remove: (a) a Town Clerk, (b) division and department heads, (c) a planning board (d) an industrial development financing authority, (e) an industrial commission, and (f) a board of health and/ or a health agent.

4-4-2 The Town Manager shall also appoint, on the basis of merit and fitness alone, and except as may otherwise be provided by the General Laws, this charter, personnel by-law, or collective bargaining agreements, may suspend or remove all full-time, part-time or seasonal employees, except those of the library trustees, the police and fire departments and the School Committee. All such appointments and removals shall be subject to disapproval by an affirmative vote of the Board of Selectmen taken within fourteen days, provided the vote is first taken at a Board of Selectmen's meeting at which five members are present and voting; otherwise, if less than five members are present and voting, such disapproval shall only require three votes.

Section 5 Responsibilities in Personnel Administration

4-5-1 The Town Manager shall administer and enforce collective bargaining contracts, personnel rules, regulations, and by-laws adopted by the town.

4-5-2 After consultation with the Board of Selectmen, the Town Manager shall from time to time propose, and the town meeting may adopt, with or without amendment, personnel by-laws and rules relating to all town positions, except those covered by collective bargaining contracts and those of the school department. Such by-laws shall provide for:

- (a) Methods of determining the merit and fitness of candidates for appointment and promotion.
- (b) Policies and procedures regulating reduction in force and removal of employees.
- (c) Hours of work, attendance regulations, and provisions for sick, vacation, military and other leave.
- (d) Policies and procedures governing persons holding provisional appointments.
- (e) Policies and procedures governing relationships with employee organizations.
- (f) Policies regarding in service training programs.
- (g) Grievance procedures for the hearing of grievances.
- (h) Such other practices and procedures as may be necessary for the administration of the personnel system.

Chapter 4 Subsection 4-5-2 amended by Chapter 70 of the Acts of 1997 amended by striking out clauses (a) and (b). Subsequent sections renumbered. Approved August 13, 1997.

Section 6 Responsibilities for Administrative Reorganization

4-6-1 The Town Manager may, with the approval of the Board of Selectmen, establish, reorganize, consolidate or abolish any department or position placed by this charter under his direction and supervision, except as otherwise provided by general law or this charter.

4-6-2 The creation of any new full-time, compensated position shall require the approval of the affirmative vote of four members of the Board of Selectmen, and shall not become effective until the position has been funded by a vote of the Town Meeting.

Section 7 Responsibilities for Disbursements

4-7-1 Warrants for the payment of town funds, prepared and signed by the town accountant in accordance with general law procedures, shall be submitted to the Town Manager, and his approval thereof shall be sufficient authorization for payment by the director of the division of finance or his designee; provided, however, that at least three selectmen shall approve all warrants in the manager's absence or in the event of a vacancy in his office.

Section 8 Evaluation

4-8-1 The Board of Selectmen shall annually evaluate the performance of the Town Manager. The board shall adopt a written set of procedures and criteria which shall form the basis for the evaluation.

4-8-2 A copy of the evaluation shall be provided to the manager.

Section 9 Removal

4-9-1 The Board of Selectmen, by the affirmative vote of at least three members, may initiate the removal of the Town Manager by adopting a resolution to that effect, stating the reasons therefor, provided that no such resolution shall be adopted within sixty days following any town election that has resulted in a change in the incumbents on the board. The vote initiating removal shall be taken at a regular scheduled public meeting and in open session.

4-9-2 The adoption of said resolution shall serve to suspend the Town Manager for a period of not more than forty-five days, during which the salary shall continue to be paid. A copy of such resolution shall be delivered forthwith to the Town Manager in person, or sent by registered mail to his place of residence.

4-9-3 Within five days following the receipt of such resolution, the Town Manager may file a written request for a public hearing. If such a hearing is requested, the board shall schedule it within two weeks and it shall be held in public place. At least seven days prior to the public hearing, the board shall advertise the hearing in a newspaper of local circulation and shall cause identical notices citing the purpose, location, time, and date to be posted in the town hall and in three other places of public access within the town.

4-9-4 The moderator shall preside at such hearing.

4-9-5 At any such hearing, the reasons for the removal shall first be read aloud. The Town Manager shall then have the right to respond, either personally or through counsel. The Board of Selectmen and the Town Manager shall have the right to call witnesses and to subpoena any and all town records.

4-9-6 Final removal of any Town Manager shall be effected by the affirmative vote of at least three members of the Board of Selectmen at a public meeting of the board held within seven days of such public hearing, if requested. If no hearing has been requested, final removal may be effected by an affirmative vote of at least three members, at a meeting of the board held not earlier than fourteen days after the vote initiating the removal. The salary of the Town Manager shall continue to be paid for a period of sixty days after the vote effecting removal from office.

4-9-7 The Town Manager shall provide the Board of Selectmen with at least ninety days notice of an intended resignation, provided, however, that the board may, at its discretion, shorten or waive such requirement.

Section 10 Filling Vacancy

4-10-1 When a vacancy arises in the office of the Town Manager, the Board of Selectmen shall advertise the vacancy as soon as possible. The board shall fill the vacancy as soon as possible but in any case, within six months.

Section 11 Acting Town Manager

4-11-1 The Board of Selectmen shall designate, within 10 days, a town employee or other person to exercise the rights and perform the duties of Town Manager during any vacancy caused by the temporary absence or suspension, or removal, resignation, or death of the Town Manager. The appointment shall be for a period not to exceed ninety days, and it may be renewed, in the case of suspension, removal, resignation, or death only once for an additional period not to exceed ninety days. The appointee shall be ineligible for appointment as Town Manager.