

Acts (2016)

Chapter 65

AN ACT RELATIVE TO THE TOWN ADMINISTRATOR IN THE TOWN OF MILTON

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. Notwithstanding any general or special law to the contrary, the board of selectmen shall appoint a town administrator to serve for a term of not more than 3 years and shall fix the compensation for the town administrator, annually, within the amount appropriated by town meeting. The town administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The town administrator shall be a person qualified by education, training and previous experience to perform the duties set forth in this act. The town administrator shall not have served as a member of the board of selectmen in the town of Milton for at least 12 months prior to the public posting of the position. Town meeting may, from time to time, establish, by by-law, such additional qualifications as may be deemed necessary and appropriate. The town administrator shall devote full-time to the office and shall not hold any other public office, elective or appointive, and shall not be actively engaged in any other business or occupation during such service, unless the board of selectmen approves such

action in advance and in writing. The board of selectmen shall provide for an annual review of the job performance of the town administrator that shall be a public record.

SECTION 2. (a) The town administrator shall be the chief administrative officer of the town, directly responsible to the board of selectmen for the administration of all town affairs for which the town administrator is given responsibility.

(b) Notwithstanding any general or special law to the contrary, the powers and duties of the town administrator shall include, but not be limited to, those provided in this section.

(c) The town administrator shall supervise, direct and be responsible for the efficient administration of the town's day-to-day operations for which the town administrator is given authority, responsibility or control, whether by this act, by-law, vote of town meeting, vote of the board of selectmen or otherwise.

(d) Subject to the civil service laws and any collective bargaining agreements as may be applicable, the town administrator shall appoint, supervise and direct all department heads, except for the consolidated facilities director and town employees, who are under the jurisdiction of the board of selectmen. With respect to department heads only, except for the consolidated facilities director, such appointments shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the board of selectmen, unless within that 15 day period, the board of selectmen, by majority vote, has voted to reject the appointment or has sooner voted to affirm the appointment. Notwithstanding the "at will" nature of employment, the town administrator may enter into employment contracts for periods not to exceed the maximum period of time

allowed under the law with the fire chief, the police chief, the deputy police chief and the town accountant that provide for other terms and conditions of employment, including removal. The town administrator shall provide for an annual review of the department heads and employees with respect to day-to-day and annual performance.

(e) The town administrator may suspend or remove any person appointed by the town administrator; provided, however, that with respect to any such removal, if that person is a department head, the town administrator shall first inform the board of selectmen with respect to the removal. The conditions applicable to removal or suspension may be addressed by the terms of any contract between the town administrator and a department head.

(f) The town administrator shall be entrusted with the administration of the town personnel system, in conjunction with the personnel board, which shall include, but not be limited to: personnel policies and practices; and rules and regulations, including provisions for an annual employee performance review; personnel by-laws and collective bargaining agreements entered into by the town. The town administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town department or entity, except the school department.

(g) The town administrator shall fix the compensation of all appointed officers and employees within the limits established by appropriations of the town meeting.

(h) The town administrator shall attend all regular and special meetings of the board of selectmen unless the town administrator is unavailable for reasonable cause. The town administrator shall have a voice, but not a vote, at meetings of the board of selectmen.

(i) The town administrator shall keep the board of selectmen fully advised concerning the status of all matters that have been referred to the town administrator by the board of selectmen.

(j) The town administrator shall ensure that full and complete records of the financial and administrative activities of the town are kept and to render, as often as may be required by the board of selectmen, a full report of all town financial and administrative operations during the period reported on and the report shall be made available to the public.

(k) The town administrator shall keep the board of selectmen fully advised as to the needs of the town and to recommend to the board of selectmen and other elected town officers and agencies measures requiring action by those officers or agencies or by town meeting as the town administrator may deem necessary or desirable.

(l) The town administrator shall have full jurisdiction over the rental and use of all town facilities and real property, except real property that is under the control of the school committee, the board of library trustees, the board of park commissioners, the board of cemetery trustees, the Milton Housing Authority or the conservation commission; provided, however, that the town administrator, together with the school superintendent, shall supervise and oversee the director of consolidated facilities, who shall be responsible for the maintenance and repair of all town buildings and facilities.

(m) The town administrator shall coordinate intra-governmental and inter-governmental affairs.

(n) The town administrator shall act as the administrative spokesperson for the town.

(o) The town administrator shall formulate long-range and annual

financial plans, including detailed projections of revenues and expenditures and prepare and present to the board of selectmen and the warrant committee an annual operating budget for the town. The town administrator shall also prepare and present to the capital improvement planning committee and the board of selectmen a proposed capital budget for the town for the 5 fiscal years next ensuing.

(p) The town administrator shall make recommendations to the board of selectmen with respect to departmental and non-departmental expenditures, the capital improvement plan submitted by the capital improvement planning committee, the financial impact of town meeting warrant articles and strategies and proposals for collective bargaining.

(q) The town administrator shall negotiate all contracts relating to the responsibilities of the town administrator outlined in this act, including contracts with town employees, except employees of the school department, involving wages, hours and other terms and conditions of employment; provided, however, that all collective bargaining contracts shall be subject to ratification and execution by the board of selectmen.

(r) The town administrator shall appoint the chief procurement officer for the town of Milton pursuant to chapter 30B of the General Laws.

(s) The town administrator shall approve payment and expense warrants pursuant to section 56 of chapter 41 of the General Laws.

(t) The town administrator shall submit to the board of selectmen and to town meeting, if necessary, plans to reorganize, consolidate or abolish departments, commissions, boards or offices under the town

administrator's direction and supervision or to establish new departments, commissions, boards and offices, or both, subject to enactment of home rule legislation if otherwise legally required.

(u) The town administrator shall ensure that the General Laws, the by-laws, votes of the town meeting and votes of the board of selectmen that require enforcement by the town administrator or officers subject to the town administrator's direction and supervision are faithfully executed, performed or otherwise carried out.

(v) The town administrator shall act upon all applications for temporary signs. Temporary signs shall include signs that are displayed for not more than 45 days.

(w) The town administrator shall act upon all applications for utility grants of location and to conduct public hearings in connection therewith, in accordance with the statutory procedure established for the board of selectmen.

(x) The town administrator shall act upon all applications to use the town's streets and ways for charitable or other walks or runs, any approval thereof being contingent upon approval by the police chief.

(y) The town administrator shall perform such other duties and responsibilities as may be delegated to the town administrator by the board of selectmen.

(z) The town administrator may delegate duties to any subordinate officer or employee to aid the town administrator in the performance of such duties and responsibilities.

SECTION 3. The town administrator shall be subject to the authority and direction of the board of selectmen. The town administrator shall render reports to the board of selectmen on a regular basis, including in those reports a summary of current

activities, a list of both current and long-range issues and objectives and programs in response thereto and suggestions concerning the goals and objectives of the town and the community.

SECTION 4. The board of selectmen may, by the affirmative vote of a majority of its members, terminate, remove or suspend the town administrator from office; provided, however, that further conditions applicable to termination, removal or suspension may be addressed by the terms of any contract between the board of selectmen and the town administrator.

SECTION 5. In the event of a vacancy in the position of town administrator, the board of selectmen shall appoint a qualified interim town administrator to serve until such time as the next town administrator is appointed but not for a period longer than 12 months. The board of selectmen may, in its discretion, waive any 1 or more of the requirements or provisions set forth in section 1 with respect to the appointment of an interim town administrator.

In the event that the town administrator is unable to perform the duties of the town administrator for a period of 14 consecutive days or more, the board of selectmen may appoint, in writing, a qualified town officer or employee to serve as the acting town administrator. The acting town administrator shall exercise the powers and perform the duties of the town administrator until such time as the board of selectmen revokes, in writing, the appointment as acting town administrator.

SECTION 6. This act shall take effect upon its passage.

Approved, March 31, 2016.