

**Chapter A802**

**TOWN MANAGER  
(Special Act)**

**[Adopted by Ch. 137 of the Acts of 1995]**

AN ACT PROVIDING FOR A TOWN MANAGER IN THE TOWN OF DALTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority as same, as follows.

SECTION 1. Upon the effective date of this act, as hereinafter provided, the Town of Dalton shall be governed by the provisions of this act. To the extent that the provisions of this Act modify or repeal existing General Laws or Special Acts, or the Bylaws of the Town of Dalton, this act will govern.

SECTION 2. As used in this act, the words "Select Board" shall be synonymous with the term "Board of Selectmen" as used in the General Laws and in the Town of Dalton Bylaws.

SECTION 3. Upon the effective date of this act, the registered voters of the Town of Dalton shall, in accordance with any applicable laws, bylaws, votes of the Town, or interlocal agreement continue to elect the following:

- A) Select Board
- B) Town Clerk
- C) Town Moderator
- D) Finance Committee
- E) Planning Board
- F) School Committee
- G) Library Trustees
- H) Cemetery Trustees
- I) Housing Authority

Every other elective office, board, committee, or commission of the Town of Dalton shall become appointive as hereinbefore provided, any provision of law contrary notwithstanding. The term of any person elected to any office, board, committee, commission existing as an elected office at the time of the acceptance of this act and having become appointive hereunder, shall continue

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until the term for which that person was elected shall have expired, and until the appointment and qualification of his/her successor.

SECTION 4. The select board shall consist of 5 members elected by the voters of the town. At the next annual election following the effective date of this act, there shall be 3 select board members elected, 2 for a 3 year term and 1 for a 2 year term. At each annual election thereafter, there shall be elected 1 or 2 select board members each for a 3 year term, so as to maintain a 5 member board. The select board shall annually elect a chairperson from among its members. Select board members in office on the effective date of this act shall serve until the terms for which they have been elected have expired. **[Amended 6-25-2001 STM by Art. 12; approved 11-26-2001 by Ch. 156]**

The Select Board of the Town of Dalton will serve as the goal setting, long-range planning, and policy making body of the Town, recommending major courses of action to the Annual Town Meeting, and adapting policy directives and guidelines which are to be implemented by the Town Manager and other officers, boards, committees, commissions and employees of the Town.

Said Board shall have the power to enact rules and regulations to implement policies and to issue interpretations of said rules and regulations.

Said Board shall exercise, through the Town Manager, general supervision over all matters affecting the interests or welfare of the Town.

All recommendations for appointments and removals by the Town Manager shall be subject to ratification by the Select Board which shall act upon each appointment and/or removal. Failure of the Board to act within a specific period of time, not to exceed thirty days shall constitute assent.

SECTION 5. The Select Board, by a majority vote of its full membership, shall appoint a Town Manager who shall be a professionally qualified person especially fitted by education, training, and previous full-time experience to perform the duties of the office. He/she shall be a citizen of the United States and, although he/she need not be a resident of the Town or Commonwealth when appointed, shall become a resident of the Town within one year after appointment.

The educational qualifications shall consist of at least a Bachelor's Degree, preferably in public administration, granted by an accredited degree granting college or university. The professional experience shall include at least five years of prior full time, compensated executive service in public or business administration. Alternatively, two or more years professional experience and a Masters Degree in an appropriate discipline shall qualify any applicant.

The Select Board shall, within thirty days of the effective date of this act, appoint a five member screening committee to assist the Board by screening all applicants for the position of Town Manager and by submitting to the Board a list of at least three qualified applicants to be interviewed by the Select Board. From this group of candidates, the Select Board shall appoint a Town Manager. The screening committee's duties shall be terminated upon the Town Managers' appointment.

The Town Manager may be appointed for successive terms of office, no term of which shall be more than three years. Before entering upon the duties of his/her office, he/she shall be sworn, in

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the presence of a majority of the Select Board, to the faithful and impartial performance thereof by the Town Clerk or a Notary Public.

He/she shall execute a bond in favor of the Town of Dalton for the faithful performance of his/her duties in such sums and with such sureties as may be fixed and approved by the Select Board, the cost for which will be borne by the Town.

No person holding elective or appointive office in the Town shall within three years of holding such office be eligible to be appointed to the position of Town Manager.

SECTION 6. The Town Manager shall be the chief administrative officer of the Town and shall be responsible to the Select Board for administering and coordinating all employees, activities and departments placed by General Law, or Bylaw under the control of the Select Board.

The Town Manager shall devote his/her full working time to the duties of the Office; and shall not engage in any business activity during his/her term, except with the written consent of the Select Board.

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- A) Attend all meetings of the Select Board, except when excused, and shall have the right to speak but not vote.
- B) Administer, either directly or through a person or persons appointed by him/her in accordance with this act, all provisions of General and Special Laws applicable to the Town, all Town Bylaws, and all regulations established by the Select Board.
- C) Assemble, prepare and present to the Select Board all annual operating and capital budgets of the Town and be responsible for the development and annual revision of the capital improvements program.
- D) Be responsible for seeing that the budget is administered as adopted by the Town Meeting and in accordance with the General Law, this Act and Bylaw.
- E) Keep the Select Board fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic reports to the Select Board.
- F) Keep the Select Board informed regarding the availability of Federal and State funds and how such funds might relate to unmet long-range needs.
- G) Prepare applications for all Town Grants.
- H) Be responsible for the day-to-day administration of the Town's personnel system.
- I) Negotiate collective bargaining contracts unless the Select Board designates another negotiator.
- J) Be responsible for the purchasing for all Town functions and departments.

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- K) Make recommendations to the Select Board regarding vacancies in Town offices and boards to be filled by the Select Board.
- L) Coordinate the activities of any board, commission, and committee concerned with long-range municipal planning, including the physical, economic, and environmental development of the Town.
- M) Develop, keep and annually update a full and complete inventory of all property of the Town, both real and personal.
- N) Distribute, or cause to be distributed, copies of the warrant for the annual Town Meeting to the residences of all registered voters of the Town.
- O) Have the authority to sign payroll and accounts payable Warrants concerning the everyday operation of the Town.
- P) Upon request and with the approval of the Select Board, prosecute, defend, or compromise all litigation to which the Town is party.
- Q) Perform such other duties as may be required by this Act, Bylaw, or vote of the Select Board.

The Town may by Bylaw, from time-to-time, establish such additional duties as necessary or appropriate, consistent with this act.

SECTION 7. The Town Manager shall receive such compensation for services as the Select Board shall determine, but such compensation shall not exceed the amount appropriated therefore by the Town.

SECTION 8. The Select Board, by a majority vote may remove the Town Manager. At least thirty days before such removal shall be effective, the Select Board shall file a preliminary written resolution with the Town Clerk setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the Town Manager. **[Amended 6-25-2001 STM by Art. 12; approved 11-26-2001 by Ch. 156]**

The Town Manager may reply in writing to the resolution and may request a public hearing. If the Town Manager so requests, the Select Board shall hold a public hearing not earlier than fourteen days nor later than thirty days after the filing of such request. Following such public hearing or, if none, at the expiration of thirty days following the filing of the preliminary resolution, the Select Board may adopt a final resolution of removal. As part of the preliminary resolution, the Select Board may suspend the Town Manager from duty, but in any case his/her salary shall be continued to be paid during the period of the preliminary resolution and until the final resolution.

SECTION 9. The Select Board shall designate a qualified person to serve as acting Town Manager and to perform the duties of the office during any period of vacancy exceeding thirty days, caused by the Manager's absence, illness, suspension, removal or resignation.

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In the event of the resignation or removal of the Town Manager, the Select Board shall appoint a new screening committee in accordance with Section 5 to assist the Board in the hiring of a new Manager.

SECTION 10. During the Town's audit by an independent accounting firm, auditors shall be required to reconcile all departmental books and records with central accounting books and records maintained by the Town Accountant, Treasurer, and Collector.

SECTION 10A. Consideration of future amendments to this chapter shall require the approval of a 2/3 majority of those voting in an annual town election. **[Added 6-25-2001 STM by Art. 12; approved 11-26-2001 by Ch. 156]**

SECTION 11. This act will take effect on its passage.