
as the town of Agawam; provided, however, that any such employee shall be deemed to have been so appointed on the date on which such employee was hired by said city of Agawam; and provided, further, that such employees whose appointments shall be so approved in accordance with the provisions of this act shall include only the following: Angel Ramos, a public works maintenance man, Alonzo Waterman, a building maintenance man, Paul Meunier, a building maintenance man, Richard Reed, a building maintenance craftsman, David Benoit, a building maintenance craftsman, Germaine Fontaine, a cafeteria helper, Judith Zukowski, a cafeteria helper, and Robert Shoemaker, a motor equipment operator. The provisions of this act shall not be deemed to impair any rights, protections or benefits to which any such employee is entitled on the effective date of this act.

SECTION 2. This act shall take effect upon its passage.

Approved July 24, 1991.

**Chapter 155. AN ACT PROVIDING FOR A TOWN MANAGER IN THE
 TOWN OF LENOX.**

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Lenox shall consist of five persons elected by the voters of the town. If the effective date of this act shall be prior to October thirty-first, nineteen hundred and ninety-one, a special election shall be held within one hundred days of said effective date at which there shall be two selectmen elected, one for a three year term and one for a two year term. If the effective date of this act is after October thirty-first, nineteen hundred and ninety-one, at the next annual election there shall be elected three selectmen, one for a three year term, one for a two year term, and one for a one year term. At each annual election thereafter, there shall be elected one or two selectmen each for a three year term, such as to maintain a five member board. Those selectmen in office at the time of the approval of this act shall serve until the terms for which they were elected shall have expired.

SECTION 2. The board of selectmen of the town of Lenox shall serve as the goal setting, long range planning and policy making body of the town, recommending major courses of action to the town meeting, and adopting 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.

Said board shall exercise, through the town manager, general supervision over all matters affecting the interests or welfare of the town.

Said board shall appoint the town manager, the Berkshire county regional planning commission alternate representative, the council on aging, the Berkshire regional transit authority, the zoning board of appeals, the town counsel, registrars of voters, election officers, commissioners of trust funds, CATV commission, compensation commission, conservation commission, historical commission, historic district committee, constables, emergency planning committee, interim finance committee members, arts council, youth drug and alcohol committee, local housing partnership committee, youth commission and scholarship committee.

Said board shall have general administrative oversight of such boards, committees, and commissions appointed by the board of selectmen.

Said board shall have the responsibility and authority for licenses and except as specifically provided herein for other quasi-judicial functions as provided by the General Laws and the town of Lenox by-laws.

Said board shall be responsible for the preparation of all town meeting warrants.

Said board may make investigations and may authorize the town manager or other agents to investigate the affairs of the town and the conduct of any town department, office, or agency, including any doubtful claims against the town, and for this purpose the board of selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the town clerk, and a report summarizing such investigation shall be printed in the next annual town report. The board of selectmen shall establish rules of procedure governing the conduct of their investigations which shall be made available in printed form to each witness prior to his testimony.

Said board shall review the annual proposed budget submitted by the town manager and make recommendations with respect thereto as they deem advisable. The town manager shall present the budget, incorporating the recommendations of the selectmen, to the finance committee and the capital improvements committee.

SECTION 3. The board of selectmen, 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. The town manager shall be appointed without regard to his political designation. He shall be a citizen of the United States and, although he need not be a resident of the town or the commonwealth when appointed, shall become a resident of the town during the first year of his appointment. He shall have a college degree at the bachelor level and shall have completed courses in the fields of administration, finance, and business, and shall have had three years of full-time paid experience in a supervisory administrative position in municipal government. A master's degree may substitute for not more

than one year of such paid experience. No person holding elective or appointive office in the town shall, within three years holding such office, be eligible for appointment as town manager. The town manager may be appointed for successive terms of office, no term of which shall be for more than three years. Before entering upon the duties of his office, he shall be sworn, in the presence of a majority of the selectmen, to the faithful and impartial performance thereof by the town clerk or a notary public.

He shall execute a bond in favor of the town for the faithful performance of his duties in such sums and with such sureties as may be fixed or approved by the board of selectmen, the cost for which shall be borne by the town.

SECTION 4. Upon the election of a five member board of selectmen, the selectmen shall forthwith advertise for applicants to serve on a committee to be known as the town manager screening committee.

Said committee shall consist of five citizens of the town of Lenox, and shall be to screen all applicants for the town manager post, submitting three applicants to the board of selectmen for their consideration. From this group of applicants the board of selectmen shall appoint the manager. No town employees or elected or appointed officials, nor their immediate families or business associates, shall serve on the screening committee. The committee's duties shall terminate upon the appointment of a manager.

SECTION 5. The board of selectmen, by a vote of three or more members of the board, may remove the town manager. At least thirty days before such removal shall become effective, the selectmen 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. The manager may reply in writing to the resolution and may request a public hearing. If the manager so requests, the board of selectmen shall hold a public hearing not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the preliminary resolution, and after full consideration, the selectmen by a vote of three or more members of the board may adopt a final resolution of removal. In the preliminary resolution the selectmen may suspend the manager from duty, but shall in any case cause to be paid to him forthwith any unpaid balance of his salary and his salary for the next three calendar months following the filing of the preliminary resolution.

The board of selectmen shall set the compensation for the town manager, not to exceed an amount appropriated by the town meeting.

The board of selectmen shall designate a qualified person to serve as acting town manager and to perform the duties of the office during any period of any vacancy exceeding thirty days, caused by the manager's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed

one hundred and eighty days.

In the event of the resignation or removal of a town manager, the board of selectmen shall appoint a new screening committee in accordance with the provisions of section three to assist the board in the hiring of a new manager.

SECTION 6. The town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the effective management of all town affairs under his supervision.

The town manager shall be the chief financial officer of the town and shall be responsible for the design and preparation of the municipal budget, filing grant applications, and controlling budget expenditures, including approval of warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws for approval by the board of selectmen. Without limiting the generality of the foregoing the town manager shall have the following specific budgetary powers:

(1) The town manger shall submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year, including the budget as proposed by the school department. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current and ensuing years. It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, department, committee, purpose, and position, together with proposed financing methods; and the proposed budget shall include estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law, establish additional financial information and reports to be provided by the town manager. He shall serve as an ex-officio non-voting member of the capital improvements committee.

(2) The town manager shall report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise such amount.

(3) The calendar dates on or before which the proposed budget, revenue statement, and tax rate estimate are to be submitted to the board of selectmen, and the budget presented by the town manager to the finance committee and the capital improvements committee, as required by section two, shall be as specified by by-law.

(4) To assist the town manager in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the town manager, in writing, a detailed estimate of the appropriations required and available funds.

SECTION 7. In addition to specific powers and duties provided in this act, the town manager shall be responsible for coordination of operational and strategic

planning for the town, supervise all town departments except the school department, and direct the operations of the town. He may choose to retain to advise him boards and committees such as the board of public works, or, from time to time, appoint like committees to advise him on special projects.

The town manager shall have the power to appoint, on the basis of merit and fitness and may remove: the building inspector, sign inspector, wire inspector, gas inspector and assistant, plumbing inspector, director of public works, recreation director, veterans service agent, civil defense director, zoning enforcement officer, animal control officer, town collector, town accountant, town treasurer, town clerk, fire chief and assistants, police chief and officers, parks and recreation board, Kennedy park committee, department of public works advisory board or committees, academy building trustees, insurance committee, and any other officers or members of committees appointed by the manager. The town manager shall hold the aforementioned department heads responsible for the proper staffing of their departments.

All appointments and removals by the town manager shall be subject to ratification by the board of selectmen which shall act upon each appointment and removal within seven days following notification thereof. Failure of the board to act within the seven day period shall constitute assent.

The town manager, subject to any applicable provisions of the General Laws relating thereto, may assume, temporarily, the duties of any office which the manager is authorized to fill by appointment.

The town manager shall have the power to appoint and remove other employees as authorized by General Law, by-law, or town meeting vote and for whom appointment is not otherwise provided.

The town manager is responsible for administration of the personnel plan including personnel evaluation policies, practices, enforcement of labor contracts, labor relations, collective bargaining and state federal equal opportunity law compliance functions of the town.

The town manager shall keep full and complete records of the office and annually submit to the selectmen, unless requested to do so more frequently, a full written report of the operations of the office of town manager. The town manager may also prepare reports to boards and committees and for town meeting.

The town manager shall advise the selectmen of all matters requiring action by them or the town.

The town manager shall attend all meetings of the board of selectmen and all town meetings and shall be permitted to speak when recognized by the moderator.

The town manager shall act as central purchasing agent for all town departments and activities, except the school department, pursuant to chapter thirty B of the General Laws.

The town manager shall manage and be responsible for all town buildings,

property and facilities, except those under the jurisdiction of the school committee.

The town manager shall be responsible for the negotiation of all contracts, except those under the jurisdiction of the school committee.

The town manager shall administer, either directly or through a person or persons appointed by him in accordance with this act, all provisions of general and special law applicable to said town, all by-laws, and all regulations established by the board of selectmen.

The town manager shall serve as selectmen's liaison to the town counsel.

The town manager shall receive and address citizens' complaints and problems.

The town manager shall be responsible for the management of the town insurance program.

The town manager shall represent the town at local, state and regional meetings and undertake public relations activities under the direction of the board of selectmen.

The town manager, with the approval of the board of selectmen, shall, after a public hearing, set water rates and sewer rates, in accordance with the provisions of the General Laws. The town manager and the board of selectmen shall be required to convene an annual public hearing covering water and sewer utilities between January first and February fifteenth. The public hearing shall include: a stewardship report on water and sewer operations; a presentation of current and projected revenues and expenses, and a forecast of water and sewer rates for the next twelve months. If new rates are proposed at the public hearing, a public comment period of no less than ten days will be observed before final rates are set, no later than March first.

The town manager shall perform such other duties consistent with the office, as may be required of the manager by by-law or by vote of the board of selectmen or town meeting.

The town manager shall have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the town manager. The town manager may, without notice, cause the affairs of any division or department under the manager's supervision or the job-related conduct of any officer or employee thereof to be examined.

SECTION 8. During the town's annual 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 9. The acceptance of this act shall not affect the term of office of the following elected officials or elected members of such board, committee, or authority: (1) moderator; (2) board of selectmen; (3) school committee; (4) planning board; (5) board of assessors; (6) housing authority; and (7) the board of health. Every other elective office, board, committee, or commission of the town

shall become appointive as hereinbefore provided, any other provision of law to the contrary notwithstanding. The term of office of any person elected to any office, board, committee or commission existing as an elected office at the time of the acceptance of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of his successor.

The moderator shall appoint the members of the finance committee except for vacancies which shall be filled by the selectmen. The planning board shall appoint from its members a delegate to the Berkshire county regional planning commission, and the school committee, board of assessors, board of health and housing authority shall appoint their respective agents and employees.

Town officers shall be available to the town manager for consultation, conference and discussion on matters relating to their respective offices.

SECTION 10. The position of administrator to the board of selectmen shall be terminated upon assumption of office by the town manager.

SECTION 11. This act shall take effect upon its passage.

Approved July 24, 1991.

**Chapter 156. AN ACT RELATIVE TO THE NUMBER AND TERMS OF
OFFICE OF TRUSTEES OF THE LAWRENCE ACADEMY AT
GROTON.**

Be it enacted, etc., as follows:

Chapter 23 of the acts of 1793 is hereby amended by striking out the fifth enacting clause, as amended by section 2 of chapter 267 of the acts of 1973, and inserting in place thereof the following enacting clause:-

Be it further enacted by the authority aforesaid, that the number of said Trustees shall not at any one time be more than forty, nor less than nine, five of whom shall constitute a quorum for doing business and a majority of the members present at any legal meeting shall decide all questions proper to come before the Trustees - that the major part of them shall consist of persons who are not inhabitants of the town of Groton. The board of Trustees shall determine the terms of office of the Trustees.

Approved July 24, 1991.

**Chapter 157. AN ACT RELATIVE TO THE FORECLOSURE OF MORT-
GAGES.**

Whereas, The deferred operation of this act would tend to defeat its purpose,